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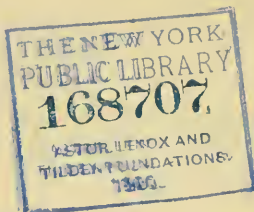


L I V E S
OF
ROBERT YOUNG HAYNE
AND
HUGH SWINTON LEGARÉ.

By PAUL H. HAYNE.

CHARLESTON, S. C.
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ROBERT Y. HAYNE.

BEREAVED Friendship is consoled by the faith which points to the eternal morning, by the voice of the redeeming Christ, which says, "thy brother is not dead, but sleepeth." Bereaved patriotism is hopeless, for too well it knows that for a dead nationality there is no resurrection. The years and centuries roll on; new combinations of the social elements are formed; new constitutions prevail. Freedom blesses other regions with her smile, and, for an allotted period, takes up her abode among other generations! But having once breathed farewell to the land that miscomprehended, or the people that abused her, that sad farewell is final! Thenceforth, she "stoops to no man's lure." Thence-

forth, neither tears nor promises, the passion of remorse, nor the yearnings of appreciation, born too late, can recall the ethereal visitant.

We look upward, beholding, with a despair that is voiceless, the glimmer of her robes as they fade in the cruel distance! The last ray of their glory disappears, and now it would seem to us as if the "very blackness of darkness" had closed impenetrably on life and hope.

In that gloom lies, in fearful corruption, a Nation's *corpse*. We cannot escape its ghastly presence. Held down by Proscription on the one hand, and Poverty on the other, nothing is left us but to abide our doom in stolid resignation.

Only by resorting to mournful imagery like this, can we convey an idea, however dim and imperfect, of the utter wreck of our own liberties, the ruin, complete and awful, which appears to have come on the great American Republic! That the majority of the people, the fanatics of the North and their tools, to whom we owe our wretchedness, are not yet aware of the *real* condition of affairs, is a circumstance which only intensifies the bitterness of their doom, to those who know and feel the truth.

For us, Southerners, deprived of all participation in the Government, except at the price of self-respect,¹ thrown back in our political isolation and misery upon the past for support, we are enabled to draw a half-proud, half-melancholy satisfaction from the revival of its manifold reminiscences. How doubly glorious and triumphant, because of our present low estate, does that past seem to us now! Like men wandering in some dismal valley, who can yet lift their eyes to the mountain summits they have passed, vivid in the glow of peace and sunlight, so we, from the depths of humiliation, look back to the summits of our old renown. Majestic are the forms that greet us there; thrilling are the

¹This was written eight years ago. Matters have changed for the better since then; but let us not "shout before we have escaped from the wood!" Our future is still terribly uncertain! One of the ablest and most thoughtful of Southern editors has warned his people *not* to deceive themselves! Success of the Republican Party, he observes, in 1880, (and *such* success is possible, despite the optimistic views of certain "traveling Southern statesmen,") means "a revolution accomplished—an entire change in the character of the Government of the United States. It means the overthrow of local self-government and the rights of the people, with the concentration of supreme power in Washington, and in hostile hands. *It means the man-on-horseback, with a large standing army to support Northern capitalists in using the Government to suppress communists at the North, and to place the States of the rebellious South again under the*

voices of eloquence and power that roll in echoes as of spiritual thunder from shining height to height ; for a moment we forget our chains ; the present, with its shames and agonies, becomes a visionary horror ; in the past alone, we think, and act, and live.

When amid the confused splendor of a vanished time, thus made to re-appear in fancy, we begin to recognize individuals and individual merit, our attention, at first wandering from one distinguished statesman and orator to another, is fixed at length upon a personage who, if not the greatest, was assuredly the most consistent, trustworthy, and beloved, of all the prominent public characters of his

heel of carpet-bag adventurers, backed by Federal Judges and United States troops !

“The Republican Party intends this summer to expend its best efforts to secure a majority in the next House of Representatives. * * * * If they can have control of the next House, they expect to reëlect Grant, and will leave no stone unturned to inaugurate him as President in 1881. Should this happen, free government is gone in the United States. We shall be involved in the throes of dying liberty, *with occasional convulsions and periodic excitement, until quieted and covered over by the black pall of military despotism.*

“Many persons fail to scan the political horoscope, and do not comprehend the overshadowing importance of Federal politics—its overwhelming influence upon their fortunes here. They think that having

day. Many readers, acquainted with the history of the South, and of Southern politics, would no doubt instinctively anticipate our reference. We allude to ROBERT Y. HAYNE, of South Carolina.

Long before that noble State had ceased to be an independent sovereignty, the subject of our memoir was born at the plantation of his father, Colonel William Hayne, in the parish of St. Paul's, Colleton District. The date of his birth was the 10th of November, 1791. He came of a sound and wholesome race, for his mother was the daughter of Arthur Peronneau, a descendant of the French Huguenots, and the line of his father's ancestry can be traced directly up to a family of repute, who had emigrated to America in colonial times, from Shropshire, Eng-

lected Hampton and the Democratic ticket in 1876, and Hayes having removed the United States troops, we are all right. These cannot be brought back, and, therefore, we are safe from Federal interference and negro-radical domination. Yet the experience of Grant and his party in the past eighteen years should teach people differently. Men do not, however, like to believe what is disagreeable, and often turn their faces away from the unpleasant truth."

These views are *not* exaggerated! They set forth, on the contrary, with force and clearness, not only the precise dangers of the immediate future, but suggest the danger *par excellence* (from ambitious and corrupt faction) to which this Government, now a *virtually consolidated Govern-*ment, must always henceforward be exposed!

land. By both sides of the house he was connected with Colonel Isaac Hayne, the famous "martyr" of the Revolution, the latter being not only his father's kinsman, but by marriage the uncle of his mother. His christian and middle names he derived from a Scotchman, Dr. Robert Young, the husband of a maternal aunt, to whose care—she being then a widow—he was committed from the period of his birth, until he had attained his tenth year.

As a child, he is said to have been silent and thoughtful, displaying often unusual self-command, and energy of character. He would seldom venture an opinion without giving some reason for it, and his powers, both of observation and of memory, were excellent. Nevertheless, he was the very opposite of what is called a precocious boy.

After the rudiments of his education had been completed, he left his aunt's home in Beaufort, S. C., and returned to Charleston, about the year 1800. There he entered first the school of a Mr. Mason, and subsequently that of Dr. John Smith, whose attainments as a classical scholar, and graduate of a European university, were considered far

more than respectable. A reflective, studious youth, of gentle bearing, and amiable manners, he won, despite a certain reserve, the affectionate sympathy both of his master and his comrades. That he possessed extraordinary endowments no one as yet imagined. In truth, one of his boy associates tells us, that his subsequent swift and brilliant rise astonished his school companions, or, at all events, was wholly unexpected by them. The favorable impression he produced in those earlier days was moral, rather than mental. Like many other men of solid and comprehensive genius, the development of his intellectual powers was comparatively a late development. The world of intellect, let us remember, is akin to the world of nature. A premature spring may produce innumerable blossoms, but their beauty is evanescent, and but a poor consolation for that frequent after barrenness, when we look for fruit, and only find decay.

But the real education of our future statesman and legislator (the education of his soul and *morale*) was not derived from books, or consummated within the dull walls of an academy. A large proportion of his childhood and youth was spent in the coun-

try. Rural labors, and rural sports, in which he delighted, gave that peculiar vigor, firmness, and elasticity to his *physique*, which enabled him afterwards to accomplish tasks, and to endure fatigue, which would have utterly exhausted a feebler constitution; while to the contemplation of nature in her solitudes, and to a constant familiar intercourse with the Divine Mother, he owed much of that purity and elevation of character that surrounded him with an atmosphere of goodness. He, himself, in the maturity of his manhood and fame, averred that the general beneficial results of his country training and experience could not be overestimated. To them we must attribute the power of patient endurance, the habit of application, the feeling of individual responsibility and care, the practical tact and strong purpose, which, early and insensibly incorporated with the very elements of his character, combined to form so striking an intellectual and spiritual whole.

It is a pleasant picture, that of the young man searching the rich woods and lowlands of St. Paul's for specimens of natural history, of which he was exceedingly fond; or eagerly following the chase,

with the hounds "all abroad," and the quarry making for hopeless jungle or impassable river.

An anecdote of his perseverance, his skill and ardor as a hunter, reaches us from good authority. While passing the Christmas holidays at the paternal estate, a great deer hunt was organized, in which a number of guests from the city and neighborhood took part. The day happened to be unusually severe, the hounds ran listlessly, and it was long before any game could be started. At length a single buck was routed from his covert in the swamp, and pursued after many turns and doublings into a pond that was frozen over, and uncomfortably deep. The hunters were glad of such an excuse to abandon the chase, and return to comfortable fires—all but the enthusiastic Robert, who, with scarcely a dog to aid him, in defiance of privation, suffering, and danger, gallantly pursued the enterprise to its close. He waded into the pond up to his armpits—his clothes, when exposed to the air, freezing upon him—followed the deer from place to place, and fastness to fastness, without hounds, without attendants, and without dinner, until a late hour of the night, and indeed rested not until he had se-

cured his game. His return and triumph were only known to the family and his brother-hunters the next morning. A simple, but significant, incident.

Ever, throughout his life, Hayne pursued the purpose he had in view, with exhaustless fervor and determination. Pleasure could not allure, nor flattery distract him. No peace, recreation, nor comfort would he allow himself, until his object was accomplished; his whole duty, however difficult and painful, thoroughly performed. To an iron resolve were united in his case the heart, the eye, and the sensibility of the poet. From companies he had charmed by his geniality, or subdued by his eloquence, he would pass with delight, if the opportunity offered, into scenes of repose and contemplation. Our forests of live-oak, with their mosses sweeping, like the beards of druid priests, to the earth, our green "bays," full of lustre and sweetness, our endless savannahs, and vast melancholy pine-woods, bordering great rivers, or the greater ocean; these were to him as ministers, myriad-voiced, proclaiming the only divine pantheism, the "God-in-all-things," sublime and beautiful, that speaks to the awakened spirit.

From the superstitions of imaginative boyhood he was by no means free. "Once," said he, "at my most susceptible age, I encountered that ghastly tale of Matthew Lewis, called *THE MONK*. At midnight, and in the very crisis of ghostly excitement, I purposely put out the light, and tried to analyze my sensations. What they were, it would be difficult to describe, but fear was not permitted to master reason." Not long after this as he and a companion were returning home, quite late, from an evening engagement, they passed near the grave-yard of the Independent Church, in Charleston. "Come," said Robert, stopping suddenly; "let us go among the tombs yonder and test our feelings!" His comrade reluctantly assented, and so, they climbed over the front gate, reached the middle of the "uncanny" place, and sat upon a convenient tomb-stone for fifteen or twenty minutes, during which period Robert said little, being evidently absorbed in thought. "I remember," his associate subsequently observed, "that in consequence of a slight rain, earlier in the evening, the dripping of water through the tin gutters of the Church could be heard, producing the most dismal and dreary sound imaginable." Unter-

rified by so eerie an experience, Hayne, some weeks after, again visited this churchyard at twelve of night, and wholly unaccompanied.

Such incidents are not trifling, nor unworthy of record. They are the indices of character.

Hayne, in common with the *generosi adolescentuli* of his time, was accustomed to hear, at the paternal hearth, many a tale of revolutionary daring and heroism. His own grandfather had been a victim to British tyranny, although under circumstances less exciting than those attendant upon the death of the "martyr." Captured at the head of his troops, and marched through the heats of summer to Charleston, he was there put aboard a "prison-ship," crowded with the unfortunate patriots, among whom a malignant fever had already broken out. He contracted the fatal disease, which put an end to his existence only a few hours after he had been released from captivity. Dying in the arms of his only child, Robert's father, we can readily understand how the terrible consequences of despotism thus brought home to the boy's mind and feelings, should have been portrayed by him in after years, with passionate force to his own sons, one of whom

was destined to plead against the encroachment of a power more irresponsible than that of Britain.

Robert's education, under Dr. Smith, was interrupted by the latter's removal from Charleston to Beaufort. Not only had the young student to part, about this period, from his respected master, but he was subjected to the pain of separation from many of his class-mates, whose more fortunate pecuniary position allowed of their attending the State College at Columbia, or even the more fashionable institutions at Yale and Cambridge. Instead of yielding to chagrin, or consoling himself with weak diatribes against fate, he seized upon every intellectual tool within his reach, and made the utmost of his limited advantages.

Plutarch was continually in his hands. He read the works of that straightforward, vivid annalist with the most intelligent care; whilst his imagination was fed from the full stores of Shakespeare. His studies in the latter direction were materially aided by the presence in Charleston of a distinguished corps of actors. The enthusiasm he felt for the drama was great, and his instincts, as a born orator, were doubtless intensified and judiciously

directed by his earlier acquaintance with the stage.²

In his eighteenth year, Robert entered, as a law student, the office of the Hon. Langdon Cheves, whose talents, character, and eloquence had inspired him with sincere admiration. He pursued his legal studies with a fervor and perseverance which insured his admission to the Bar, by a unanimous vote of the Bench of Examiners, before he was twenty-one years old. Cheves' partner, Mr. Northrop, dying not long after, and Cheves himself abandoning his Charleston business, in order to take his seat as a Senator in Congress, most of the immense practice of the firm passed at once into the hands of Hayne, whose appearance as an advocate on one or two previous occasions, had impressed the public in his favor. Seldom, perhaps, if ever before, has so enormous and intricate a mass of legal claims, and important legal business, been placed upon the shoulders of one so young and inexperienced. The weight of responsibility was

²When a boy, Hayne ardently desired to study for, and to enter the U. S. Navy. But, fortunately, he was overruled in this matter by his parents.

appalling. But his devotion to duty, his determination to tax his strength, mental and physical, to the utmost, his discrimination and general tact, and knowledge, prevailed to invest him with the powers necessary for an undertaking so grave and peculiar. Indeed, it was surprising to see how soon he took his place among the leaders of the Charleston Bar, and the ability and courtesy with which he maintained the position.

His manner of examining witnesses, especially, was entitled to high praise. "He had," as one of his colleagues tells us, "the happy faculty of conciliating the good will of the person under examination, even though prejudiced against his client; he accommodated his questions to the witness's character and capacity, and put them to him with an exquisite adroitness. No attempt was ever made to brow-beat, bully, or intimidate. Every inquiry was so explicit as seldom, if ever, to admit of an equivocal answer. The witness might see its object; but whatever his predisposition may have been, he could not easily avoid a substantial reply. Thus, the accomplished advocate generally succeeded in drawing from him, however reluctantly, all that he

knew which could benefit the cause of the advocate's client. Hayne well knew also when to stop in an examination. He refused to harass, or worry a witness by endless repetition after he had obtained all that was necessary to his case."

The same keen contemporary observer, the late Hon. Mitchell King, justifies us in the assertion that few lawyers have equalled Hayne in the precision and fullness of the statement of his cases to the Court. This was perhaps his strongest point. The most distinguished lawyer when associated as counsel with him, usually pressed upon him this part of their common duty. He studied the facts and circumstances with intense care. His powerful memory enabled him to retain them accurately, and his admirable good sense to estimate with sagacity their respective weight and importance; whilst his ready, copious, fervent eloquence presented them with the utmost effect. Nothing was omitted or overlooked that affected the merits of the matter in hand, or that could aid the Court in forming its judgment. To the views of his antagonist Hayne was invariably courteous and just. In analyzing their statements and arguments, he would often put them

more strongly than these opponents had themselves done ; whereupon, he would prove that the conclusions from them to which they desired to bring the Court, could not be sustained. The mere statements of his cases, in their lucid outline, and vigorous logical sequence, were in themselves arguments, and involuntarily led both judge and jury to regard them in a favorable light, and to listen with peculiar attention to anything which might afterward be urged in their support.

In discussing a point of law, it was not Hayne's custom to fill his brief with an array of analogous cases, or to make a parade of legal learning. He contented himself with producing the leading authorities directly applicable to the point at issue, and enforcing these in a style terse, direct, and convincing. His argumentative rejoinders were scarcely less able and decisive than his original statements. He suffered no opposing authority to pass without examination and comment, and was singularly felicitous in detecting any difference in fact or circumstance between the cases quoted against him and the one before the Court, seldom failing to invalidate, or at least diminish, their authority.

With extraordinary acuteness and perseverance, he would follow his antagonist from argument to argument, and, discovering the weak points in his logical armor, would assail them with a dexterity hard to be resisted. Ardent, impetuous, and passionate by nature, his self-control was immense. "Never," says Mr. King, "during his whole legal practice, have I known him to exhibit the slightest impatience of temper." With great energy of manner, he always displayed this consummate self-possession. In fine, he was master of himself and of his subject. When, in the progress of a cause, some totally unexpected point would arise, he met it with as imperturbable a coolness as if he had all along anticipated it, and was completely prepared to refute it. He was at once a sound lawyer, and a brilliant pleader.

Soon after Hayne's entrance upon active life, he was married to Miss Frances Pinckney, a daughter of the Hon. Charles Pinckney, of South Carolina. Three children were the fruit of this union, not one of whom survives to the present day.

It must have been about six months subsequent to this event, that the Southern States being threatened with British invasion, Hayne, (who, in blood

and temperament, was more than half a soldier,) exerted himself to such good purpose, that he succeeded in raising an efficient company of militia, with which, as captain, he joined an encampment at Haddrell's Point, formed for the purpose of training troops from every portion of the State. It pleased him in after life to dwell upon the many sincere friendships he had contracted there, and to describe the high, gallant spirit of the young men, his companions in this military episode, and the eagerness with which they erected those fortifications, known to all native Charlestonians as "The Lines."

But the war-clouds soon passed over, the military organizations were dissolved, and the young captain of recruits was constrained to return with the rest to the more quiet employments of civil life. But to him, in a special sense, life was a predestined battlefield. Assuredly, he was attacked by more than an average number of discouragements and difficulties. When, for example, every energy and every endowment he possessed should have been untrammelled, domestic cares and embarrassments crowded upon him. Of their precise nature, excepting, indeed, the failure of his wife's health, we are unable to

speaking ; but that they were onerous and bitter, may be gathered from the circumstance of Hayne's refusal to stand for the State Legislature, at a period when the lines of political parties, both local and national, were being definitely drawn, and the need for honest, able counsellors was becoming daily more apparent. Fortunately, however, the advice of friends, the promptings of an honorable ambition, and the consciousness that his talents were required, overcame the despondency engendered by private troubles ; and, entering heart and soul into the canvass, he was elected at the very head of what was then known as the *Republican*, in opposition to the *Federal* ticket. Just previous to this first of a long, and all but uninterrupted, series of political triumphs, Hayne had delivered an oration, on the Fourth of July, before the '76 Association of Charleston, the effect of which is reported to have been electrical. There can be little doubt that the admiration of the young speaker's genius, and the confidence in his political principles, produced by this address, went far towards securing the triumphant election which followed.³

³ He was scarcely eligible at this time, to a seat even in the lower House.

And now, at the early age of twenty-three years, we find the subject of this sketch in his true element. He had mastered the general principles of political science, and had applied them with philosophic force and shrewdness to both national and sectional affairs. Scarcely had he been a week in the House, before it became evident to every intelligent member that a master spirit had made its appearance among them.

"Very soon," says McDuffie in his "Eulogy," "he disclosed those peculiar powers of clear perception and solid argument, combined with that propriety of language, distinctness of enunciation, and general felicity and persuasiveness of manner, which rendered him so effective a parliamentary speaker. He was likewise emphatically *a business man*; and, as the head of a committee, he had few equals in the laborious industry and excellent system which enabled him to digest measures for the House with promptitude and accuracy; and in the judicious selection of topics, and clearness of exposition, which aided him in carrying them through."

Having served for two legislative terms, with an ever increasing reputation for brilliancy of orato-

rical power conscientiousness of principle, and available practical tact, Hayne, unexpectedly to himself, was elected to the post of Speaker.

It so happened that he was ignorant of all the technical, but necessary, rules of parliamentary debate. What on earth was he to do? Decline the honorable position which had been tendered him? Never! for such a step backward would have seemed to him little less than an act of cowardice and degradation. Luckily, the House adjourned over, without doing any business on the first day, except to complete its organization. Gladly taking advantage of this brief intermission, he hastened to a friend from whom he borrowed a copy of Jefferson's Manual. Armed with the precious volume, he retired to his chamber, studied diligently all night, and having mastered its contents, and digested and arranged in his own mind all its principles, he entered the House next day at noon prepared for all questions of order, or for any contingency that might arise! "He took the chair," (we again quote from McDuffie,) "as thoroughly qualified for the discharge of its duties as any presiding officer I have ever known. . . . *I cannot recall a solitary*

instance in which his decision was reversed, or even an appeal made from it."

Just before the expiration of his term as Speaker, Hayne was elected to the responsible office of Attorney-General of the State.⁴ He was now but twenty-six years old; the youngest lawyer to whom this high position had ever been tendered in South Carolina. But in mental and spiritual experience he was far in advance of his years; for, if his public career had been uninterruptedly brilliant, his private life, as we have before hinted, had been fruitful of many and serious trials. In the solitudes of those reflective moods, engendered by sorrow, he had doubtless learned a deeper wisdom than can ever come to man under the noontide of prosperity and happiness.

It has ever seemed to us that a prosecuting officer, invested with the dignities and terrors which naturally belong to his position, should be a man at all times prepared to temper justice with mercy.

⁴In 1818 Hayne's first wife died. About two years after, he married Miss Rebecca B. Alston, a daughter of Colonel Wm. Alston, of South Carolina, by whom he had two sons, both of whom are now living. One of them is an eminent physician, at present residing in San Francisco (California.)

Such an officer was Hayne. He never pressed an argument to cruel extremes against the culprit at the Bar. Never, clothed in stern authority, and with purposes rather of self-display than of justice, would he cast scornfully aside all extenuating circumstances, exerting his powers of argument and persuasion for the sole purpose of gaining a forensic victory. The very embodiment of right, truth and justice, it is no exaggeration to affirm that his rule as Attorney-General was

The rule of noblest pity, qualified
By the wise strength of conscience and of law,
Humanity with temperate reason fused,
Mercy with ire, as most becomes our race,
All forfeit once to fires of wrath divine,
But ransomed now thro' our fair master, Christ.

We have not space to dwell upon the special cases in which, as Attorney-General, Hayne distinguished himself, but must pass *per saltum*, to the year 1823, when he was elected to represent his State in the Senate of the United States.⁵ The period was a momentous one in regard to Federal

⁵ He had barely arrived at the age required by the Constitution when he took his seat in the United States Senate.

relations; for already there had arisen in Congress a sectional party prepared to sacrifice every Constitutional right of the South to the manufacturing and non-slaveholding portion of the Union.

Having at length attained to a station which gave full scope to his vivid and masculine genius, Hayne soon contested the palm with the most illustrious of his senatorial contemporaries, and won for himself in the briefest possible period an extended national reputation. Were we to dwell minutely upon the political principles he there maintained upon the various debates which employed his powers, and the many interesting scenes in which he was a prominent actor, this sketch would grow insensibly into a volume.

But we must present, in hasty outline, some of the important measures with which his name became identified. His business talents and great industry impelled the President of the Senate to appoint him as chairman of one of its most important committees. For years he remained Chairman of the Standing Committee on Naval Affairs, "performing its duties," says McDuffie, "with such uniform zeal and ability as to secure the universal

confidence of the Senate, and the general esteem of the officers of the Navy."

But, however persistent and successful his efforts were to build up and to extend our system of naval defences, there can be no doubt that his fame is even more closely identified with his long, steadfast, uncompromising opposition to the Protective System. The earliest, and in some respects, one of the best of his congressional speeches was made against the Tariff Bill of 1824. It was the first of that series of arguments, of illustrative facts and logical deductions—all bearing against "a mammoth system of injustice and oppression," and all founded upon broad and philosophic views of political economy—which rose to so eloquent a height in his denunciations of the Tariff of 1828, and culminated in that scathing exposition of the true nature of Clay's resolution, (introduced in January, 1832,) which declared the expediency of "repealing all duties upon imports *which did not come in competition with domestic manufactures,*" leaving, of course, the enormous duties of the Prohibitory System untouched. On this occasion, after demonstrating with mathematical clearness, the fraudulent charac-

ter of the resolution, after showing in what way it must, if passed, aggravate the evils of the protective system, increase its inequality, and rivet its chains upon his constituents forever, the orator in a manner of almost prophetic solemnity, proceeded to warn the Senate of the dangers by which it was encompassed. "I declare," he said, "in the presence of this august body, and before Almighty God, it is my deep conviction that the consequences to grow out of the adjustment of this great question involve nothing less than the future destinies of the country." An amendment to Mr. Clay's resolution was forthwith offered by him, to the effect "that all existing duties upon articles imported from foreign countries be so reduced that the amount of the public revenue shall be sufficient to defray the expenses of government, after the extinguishment of the public debt; and that, allowing a reasonable time for the gradual reduction of the present high duties on articles coming in competition with similar articles made or produced in the United States, the duties shall be *ultimately equalized*, so that the duty on no article shall, as compared with the value of that article, vary materially from the general average."

The system herein recommended, Mr. Clay at once characterized as "slow poison;" the gradual, but inevitable ruin of American manufactures; although it is worthy of remark that the principle it embodies formed subsequently the very heart of that great compromise measure, of which the statesman from Kentucky was the author and earnest defender.

Regarding the above declaration as the expression of a deliberate design on the part of the majority and its champion to ride rough-shod over all constitutional restraints, and to reduce the States of the South to despairing vassalage, Hayne poured forth in protest and expostulation, with the mingled forces of passionate invective and argumentative minutiae, one of those great appeals, "compact of imagination and reason," which can come only from the brain and heart of genius at a white heat, and which nothing but the foregone conclusions of a reckless majority could resist.

Clay, alluding to what he termed the "advantages" of the protective system, had made the assertion, that "the much abused policy of 1824 had filled our coffers, and enabled us to pay off an enor-

mous public debt." Hayne showed, on the contrary, that the very last merit that could be ascribed to this system was its tendency to fill the "public coffers;" that the object of a protecting Tariff, *as such*, is to diminish or exclude importations, and of course, to lessen the amount of revenue derived from duties.

He showed that the Tariff of 1824 contained two distinct features, namely, *revenue*, and *protection*; that it was the former—a legitimate revenue—which had filled the national coffers, and paid off the national debt; while so far as the latter—protection—had operated at all, it had the effect to diminish the revenue, and *delay* the extinction of the debt.

Clay had said, that the "protecting system stood self-vindicated, because of the rich fruits it had scattered over the whole land." Hayne treated this assertion as a figment of the gentleman's fancy. "Where," he inquired, with sarcastic emphasis, "where are these rich fruits to be found? Is it in the *West*? We have heard much of the flourishing condition of manufacturing establishments elsewhere, but where are the manufacturing villages, the joint-stock companies, the splendid dividends, to

be found in the West? I submit it to the candor of gentlemen whether the benefits of the protecting system, so far as the West is concerned, do not still rest in hope; whether the system would be sustained there a day, were it not for the unhappy, the fatal marriage between *the Tariff and Internal Improvements*; a union which I hope yet to see dissolved. It was a left-handed and illegal marriage, and surely those whom God hath not joined, man may put asunder."

The speaker next referred to the condition of the South. The "rich fruits" of the tariff had been, according to Clay, scattered broadcast "over the whole land." But who at the South had grasped or even seen them? In South Carolina, for example, the recent change as to public prosperity had been of the most appalling character. "Look," said he, "at the city of Charleston. Sir, the crumbling memorials of our former wealth and happiness too eloquently teach us that, without some change in your policy, the days of our prosperity are numbered." He dwelt on the thriving years of the past: the large foreign trade, carried on directly with Europe; the native merchants with large capi-

tals; the number of ships built and owned in Charleston, giving employment to valuable bodies of mechanics, tradesmen, and mariners. "But consider," he exclaimed, "the state of things at present. Our merchants bankrupt, or driven away, their capital sunk, or transferred to other pursuits; our shipyards broken up; our ships all sold; our mechanics in despair; the very grass growing in our streets, and houses falling into ruin; real estate fearfully reduced, and rents almost nothing. If we fly from the city to the country, we behold fields abandoned, the hospitable mansions of our fathers deserted; agriculture drooping; our slaves, like their masters, working harder, and faring worse; the planter reduced to despair, or gathering up the small remnant of his fortunes, with wife and little ones, tearing himself from the scenes of his childhood and the bones of his ancestors, to seek in the wilderness that reward for his industry, of which your policy has deprived him."

"I call upon gentlemen," he concludes, with a profound, simple, and earnest persuasiveness, which, to his countrymen of to-day, living as they do in the lurid radiance cast back upon them by the events of

the last decade, must seem inexpressibly pathetic, "I call upon gentlemen, on all sides, to meet us in the true spirit of concession. Remove, I beseech you, from amongst us, this never failing source of contention. Restore our ancient harmony. Dry up at its source this fountain of the waters of bitterness. Be assured that he to whom the country shall be indebted for this blessing will be considered the second founder of the Republic. He will be regarded in all after times as the *Ministering Angel, visiting the troubled waters of political dissension, and restoring to the element its healing virtues.*"

And it was to the man who could plead thus ; every one of whose words was steeped, so to speak, in the hues of a passionate sincerity ; whose invocation to the spirit of peace and concord thrills, absolutely, with an agonized yearning ; it was to *him* that a partisan madness dared attach the epithets of "conspirator," "traitor," and "deliberate disunionist !" Surely the predilections of faction, and the blindness of self-interest, could go no further.

Had Hayne, instead of being what he was, a singularly candid, fair-minded, logician, and a legislator whom the average morality of Statecraft would

have pronounced a *purist*, fulfilled in every respect the poet's conception of the trickster,

"A man of ready smile and facile tear,
Improvised hopes, despairs at nod and beck,
And language—ah ! the gift of eloquence,—
Language that goes as easy as a glove
O'er good and evil, smothering both to one,"

he could not have been more recklessly denounced than he was subsequently, even by some of his own people, when his political prophecies having been sadly verified, he stood, even at the eleventh hour, between the rage of a headstrong Executive on the one hand, and the desperation of a sovereign State upon the other.

And here, *apropos* of the vigorous senatorial argument, just dismissed, we will, before retracing our steps, attempt a brief analysis of what appear to have been the striking and original characteristics of Hayne's eloquence. Like Chrysostom's, his oratory was "golden-mouthed." Deficient neither in power nor in passion; blazing, when the occasion demanded it, with a righteous scorn, or fiery invective; it was chiefly through a cordial magnetism of tone, and manner, an all-subduing power of per-

suasive warmth, that he won the hearts of his hearers, played upon their sympathies, as one might play upon the strings of an instrument, and, finally, so melted and fused in the glow of his own equable but intense genius, the individuality of others, that, for the moment, they saw with his eyes, reasoned with his judgment, and felt with his spirit; surrendering their intellectual, and spiritual identity to the forces of a spell as soft as it was irresistible. He never lost, at the "height of a great argument," or even in the rush of just denunciation, that supreme self-restraint, which, always implying a reserve of power, makes the orator so emphatically master of his theme, situation, and audience. He never indulged in furious posturings, and rushings to and fro; but illustrated the true meaning of Demosthenes's "action," in all those finer movements of physical nature, (obeying the subtlest monitions of imagination, sensibility, and reason,) by which a man reveals his emotion, from the hand uplifted to heaven to the faintest quiver of lip or nostril.

Unlike the elaborate masterpieces of Legaré, which often confounded the ignorant, and dazzled, rather than illuminated, the average mind, reserv-

ing their full effect for the appreciation of the scientist and scholar, Hayne's speeches took captive the learned and ignorant alike ; they addressed not so much the taste as the soul, not so much the casuistic brain, as the ardent, unsophisticated affections. Over those feelings in man, which are primitive, simple, universal, such as recognition of natural rights, and repudiation of unnatural wrongs—all candid, spontaneous emotions which enter into the constitution of unspoiled manhood, as contradistinguished from the more complex sensations and sensibilities which belong rather to the region of *art*,—over all these the sway of Hayne's oratorical sceptre was complete.

/ Before an infuriated mob, ripe for mischief, if not for blood, Hayne would appear with a bold front, and kindling eye, and hardly had he lifted his hand or uttered a few words of expostulation and warning in his clear resonant voice, ere the rude chaos was stilled ; anger gave place to respectful attention, in due time to conviction ; and the insubordinate crowd, bent previously upon acts of violence and lawlessness, were transformed into sober, obedient citizens.

“Why, this is *magic!*” a foreign gentleman was heard to remark, on such an occasion during the trying days of Nullification. The answer is easy. It was a potent will, united to sympathetic genius, and informed by principle that carried everything before it. All the polished periods and ingenious metaphors on earth would have fallen upon the ears of such an audience, “still-born;” they would have provoked only impatience and contempt. But the humanity of the born orator coming in contact, and *rapport*, with the rougher humanity of the masses, conquered them, not by the force of an annihilating logic, but by the sympathies of a responsive heart. “I know your grievances,” the orator seemed to say; “I can feel with you; only let us not oppose wrong with wrong; or in attempting to redress an outrage, commit an outrage ourselves.”

Poeta nascitur orator fit, is a saying dear to the soul of critical *priggism*. It expresses so partial a truth, that one marvels how it could ever have grown into an undisputed maxim. The fact is, that orator and poet possess many qualities in common; and a man could no more be made a genuine orator unless born with those intrinsic powers which, in

their development, constitute eloquence, than he could be made into a unicorn, or a centaur. Let us rather say, that orators and poets are *both born and made*. In either instance, nature supplies the raw material, and artistic culture works it up into beauty, efficacy, and strength. Yet, if one of these two exceptional classes may more readily dispense with culture than the other, it is the orator, not the poet. For one untutored poet, like Burns, there have been hundreds of untutored orators.

As for Hayne, his natural genius, regulated by a magnetic instinct and unerring tact, was always more conspicuous than his culture; not that he lacked culture, broad, healthful, and well-assimilated, but that the inherent force of his thought, and the solidity of his argument, needed, and indeed received but little, comparatively, from extrinsic learning and illustrations. Hardly less able and comprehensive than his great speeches upon the Tariff, were those which he delivered upon the "Pension System," and "the establishment of a General Bankrupt Law." We cannot pause to analyze them here, but may observe that they are full of intellectual pith.

We must now return to Clay's resolution, the principles of which were embodied in a Bill, that passed both Houses of Congress, and received the sanction of the President. It was declared thenceforth, by both political wings of the Tariff Party, to be "the settled policy of the Country." Argument, entreaty, denunciation, had spent their forces in vain against a predetermined fraud, originating in self-interest and avarice, and supported by despotism. Hope seemed finally extinguished. The last link in the chain of oppression had been forged. It only remained for the political robbers, who had so long labored upon it, to cast and permanently secure these fetters about the limbs of their victims. Their measures were not veiled. At this final stage of a tyrannous business, there was affectation neither of secrecy, nor of shame. It now became a question for instant decision, whether South Carolina, placed by circumstances in the van of the contest among her sister States of the South, should "permit her citizens to live under a continual curse, violating their rights, and blasting their prosperity, or should arrest its progress by interposing the shield of her sovereign power?" The question

was one of terrible importance. Its decision involved interests of enormous magnitude, and possible consequences fearful to contemplate.

To understand what this crisis in the history of Carolina really meant, we must consider two things: *first*, the causes which produced a controversy with the Federal Government; and, *secondly*, the principles involved in that controversy.

South Carolina was an exporting State.⁶ Her staples owed their value to the demand for them in foreign markets, and free exchange of them for foreign manufactures. Congress had the power to impose duties on foreign imports, but limited to the object of raising revenue. Congress had the power to regulate commerce, but only for the purpose of extending and protecting it. Now, at a period when the National Treasury was overflowing, when not a shadow of complaint could be brought against any foreign people for violation of any of our rights, what does Congress do? That body, by adroitly manipulating the manufacturing, and some kindred interests, by means of electioneering combinations, and shameless bribery, secured a majority, by

⁶Vide McDuffie's "Eulogy," page 48.

whom the Tariff of 1828, that "extraordinary compound of conflicting elements," was triumphantly passed.

Party wickedness, sectional wrong, supported by a corrupt central government, could surely go no farther. A grave mistake (!) for in due time came the Tariff of 1832, aggravating all the evils of that of 1828, by increasing its inequality.

What then was the actual relation of the Federal Government towards South Carolina as compared with its *constitutional* relation? Let us see. By the Constitution, Congress had engaged solemnly to extend and protect her commerce; instead of so doing, however, laws had been passed, the operation of which must be utter, inevitable ruin to the largest and most important branch of that commerce. Congress was bound to regulate duties imposed under the revenue powers, so as to produce equality in taxations. Its duty on this point, the importance of which cannot be exaggerated, was carried out *by the imposition of duties ranging as high as 200 per cent. on foreign exchanges*, with the avowed design of securing bounties to the manufacturing States. The Proconsular despotism of Rome over her conquered

Provinces was hardly more bitter, and burdensome, and was certainly less galling than this.

“The excitement,” says McDuffie, “connected with these transactions has long since subsided ; many of the prominent actors have been gathered to their fathers ; the transactions themselves belong to history. Yet while preparing this notice of them in the retirement of my chamber, such were the recollections excited that my blood boiled within me, my whole frame was agitated, and my pen almost refused to do its office.”

How easy, then, to comprehend the passionate anger of the Carolina delegation, forced to witness measures thus atrocious, passed under the mockeries of law. Was it possible for them, holding the principles they did, quietly to submit? Could they, conscious of the obligations of private duty and the weight of public responsibility, advise their constituents to abandon their rights without a struggle? To such counsels they could not descend. Fortunately, as it seemed to our Representatives, both the terms and spirit of the Federal Constitution admitted of the employment, on the part of any State which deemed itself aggrieved by Federal legisla-

tion, of what its adherents maintained to be the essentially peaceful remedy of Nullification. Hayne was the first to expound this remedy in Congress; the first boldly to vindicate the doctrine of practical State sovereignty, and the right, no less than the duty, of a State, (in the light of a fair interpretation of the meaning of the Federal Compact,) to "arrest the operation of an unconstitutional law of Congress within her own limits." At the present day when Nullification, in common with the Constitution itself and the authority of the Supreme Court, is looked upon as simply an exploded political abstraction, it may not be easy to realize what tremendous importance attached to this remedy *per se*, and the many questions growing out of it, thirty-five or forty years ago.

The occasion upon which Hayne was called forth to advocate it, can never be forgotten in the history of congressional debate. Then it was that he encountered the great apostle of consolidation, Daniel Webster.⁷ For the first time, as we have said, in

⁷The great advantages of Mr. Webster in age and political experience over his comparatively youthful opponent, were strengthened by an accidental circumstance to which he himself subsequently alluded. "He told his friend Harvey," says a *Boston Journal*, "that several years be-

the history of the country, the principles of State Sovereignty and Centralization, stripped on either side of all disguises, were opposed in mortal conflict upon the floor of the Senate. These principles represented two vast antagonistic sections, and two hostile forms of civilization and society. Under the old articles of confederation, they had not been suffered to appear, unless in dimmest outline; but in the Convention that formed the Constitution, and among those who discussed the spirit, meaning, and limitations of the Constitution, after its adoption,

fore the great debate with Hayne, he had investigated the whole subject of the public lands, for the purpose of opposing a resolution of Mr. McKinley, a Senator from Alabama, proposing to cede the public domain to the States in which they were situated. The question never came up, and Mr. Webster said, 'I had my notes tucked away in a pigeonhole, and when Hayne made that attack upon me and upon New England, I was already posted, and only had to take down my notes and refresh my memory. In other words,' said Mr. Webster, 'if he had tried to make a speech to fit my notes, he could not have hit it better. No man is inspired with the occasion. I never was.' All this is exceedingly significant; the main fact, however, redounding to Hayne's credit, and only making the more conspicuous the wonderful tact and power he displayed, whether in attack or defence, throughout the controversy. A *wrong* inference upon *one* important point, will be drawn from Mr. Webster's *italicised* remark! Hayne did *not* begin the "great debate" as an aggressor. On the contrary, he rose to "*repel*" an assault upon his own people, and section,—an "unprovoked" assault too, as he naturally considered it!

these principles, indeterminate, and vague, yet threatening, had more than once confronted each other, to retire, upon the pressure of questions infinitely smaller in themselves, but temporarily of greater importance.

Now, all compromise between them was over. The issue had been sharply drawn. In the presence of the elect for wisdom, reputation, and experience, from every portion of America, a battle was to be fought, and a decision arrived at, which little as some concerned therein might foresee the truth, was destined to build between the two great sections of the land a wall of partition, moral, political, and social, which only the violence of revolution could break down. The surroundings of the scene were striking and dramatic. Insensibly, the chief contestants came to be regarded by others, as they could not but regard themselves, in the light of

Men on whose shoulders at a moment's warning,
The weight of mightiest interests was flung ;
Who, in the conflict, cannot shrink, nor pause,
Save for mere breath, and still must lift their crests,
Knightlike, and 'mid the clang and crash of blows
Gigantic, hold their fame up with firm hands,
And a grand issue grandly vindicate.

Never perhaps was a senatorial debate followed through all its details with such passionate, absorbing eagerness. The long galleries, as Macaulay says of a famous English trial, were crowded by such an audience "as has rarely excited the fears or the emulation of an orator. There were gathered together from every part of a vast realm, grace and female loveliness, wit and learning, with not a few representatives of science and the arts." As the debate deepened in its meaning and grew more rapid in the flow of its argument, and the flash of its fiery invective, irrepressible bursts of enthusiasm and applause broke forth from every quarter of the hall. The speeches on both sides have long taken their place as *classics* in the volumes of American eloquence. Every school-boy is familiar with them from the Penobscot to the Rio Grande

The controversy arose incidentally out of a proposition relating to the public lands. "In the course," observes McDuffie, "of some remarks upon that subject, Hayne deprecated the existence of a large and permanent public treasure, as the means of corrupting and consolidating the government. Whereupon Webster, *evidently with a premeditated*

design of assailing South Carolina, seized the occasion to disparage her domestic institutions, to ridicule the apprehension of danger from consolidating the government, to charge her citizens with disaffection to the Union, and to speak contemptuously of what he called the *South Carolina doctrine*."

Hayne was profoundly moved by what he naturally considered an unprovoked attack upon his State; and since State pride and State affection were in him absolute, unadulterated *passions*, he defended the doctrines and institutions of South Carolina, as he would have defended the fair fame of his mother, or the honor of his wife. He retorted the charge of "disaffection to the Union," fully exposing the unpatriotic conduct of the Federal East, and Massachusetts especially, in the war of 1812.

After demonstrating the fact that during the second war with Great Britain, South Carolina had appropriated half a million of dollars on her own account in defence of her maritime frontier, had ordered a brigade of State troops to be raised, and, when left to protect herself by her own means, had never suffered the enemy to touch her soil, without

being instantly driven off, or captured, he turned sharply round upon New England with the weight of a crushing recrimination. "When I look back," he says, "and contemplate the spectacle exhibited at that time in another quarter of the Union—when I think of the conduct of certain portions of New England, and remember the part acted on that memorable occasion by the political associates of the gentleman from Massachusetts,—nay, when I follow that gentleman into the councils of the nation, and listen to his voice during the darkest period of the war,—I am indeed astonished that he should venture to touch upon the topics which he has introduced into this debate. South Carolina reproached by Massachusetts! And from *whom* does the accusation come? Why, from that party whose acts during the most eventful period of our national history were of such a character, that *their own Legislature but a few years ago actually blotted them out from the record as a stain upon the honor of the country*; from that party of whom it may emphatically be said, they were a war-party in peace, and a peace-party in war." And then the minutiae of the whole disgraceful business; details of sectional avarice,

treachery, and cowardice, which culminated in the doings of the "renowned Hartford Convention," were laid bare, one by one ; while for proof of these things, the orator pointed to "contemporary history; to the public documents of the country ; to recorded acts and opinions of public assemblies ; *and, finally, to the declarations and acknowledgments since made by the Executive and Legislature of Massachusetts herself.*"

To Webster's scornful reference to "the South Carolina doctrine," wherein he endeavored to make it appear that this "doctrine" was a wholly novel and unheard of expedient in American politics, the abortive offspring of mere party chicanery, Hayne retorted by quoting, and expounding with a clear common sense not to be gainsaid, the Kentucky resolutions of Madison and Jefferson, of which the contemned "doctrine" is the vitalizing spirit. No sophistry of interpretation, no ingenuity of inference, no verbal legerdemain, however acute and plausible, could weaken, far less destroy, an authority so decisive. It could neither be evaded nor be explained away.⁷

⁷Nevertheless, a serious attempt *has* recently been made by one of the most brilliant and vigorous of New England Essayists to invalidate the

At the conclusion of Hayne's speech—the *second* speech of the great series—the triumph of his friends at what was universally felt to be a masterpiece of close reasoning, and impassioned eloquence, was only surpassed by the chagrin and alarm of his enemies. The New Englanders for the time lost confidence in their champion. But we are bound to say that as yet even they did not know their man. They did less than justice to the resources of a mind of the loftiest order, and the most comprehensive range and grasp. Webster's "reply," observes McDuffie, "was undoubtedly a powerful display of controversial dialectics." It was *more* than this. Considered from an artistic and rhetorical point of view, it stands unequalled, except by some of the finest utterances of Burke.

force of these "resolutions," which are affirmed to be "a string of cunningly written resolves, to meet a mere party emergency!"

No assertion could be more reckless!

It calls upon us, *in effect*, to believe that Madison—to whom we are mainly indebted for the resolutions—instead of putting them forth as in some measure an exposition of the spirit and meaning of the Constitution, in the framing of which (as Judge Story declares) he took so prominent a part, chose deliberately to falsify that solemn instrument; and for WHAT?

.....Why, to accomplish a transient party purpose; to gain the victory of an hour, at the expense of both consistency and truth!!

Remarkable for its perfection of style, and richness of illustration, its searching sarcastic bitterness and a certain splendid amplitude and rounded resonance of language, it was not less remarkable for adroitness of suppression, and the quivering, arrow-like keenness with which impracticable points were glanced over, or deftly avoided. Does the logic of the central argument rise to a level with the beauty of the rhetoric or equal the almost inimitable finesse, the adroit, *degagé* grace, wherewith a damaging fact, or conclusion fatal to his cause, is airily dismissed, or veiled in the glittering cloud of his matchless irony? We maintain, for our own part, that Webster's constitutional argument, lauded by

.....It was, as if the same strong hand which had set the waters of Constitutional freedom flowing within the boundaries of law, for the benefit of millions, should have tried measurably to dam up the stream; to divide, and thus weaken its currents, at the summons of a wretched *Expediency*!!

.....In Mr. Madison's day, such a creature as the Editorial inter-viewer was unknown; but a letter contributed by Edward Peyton, of Virginia, to *The Richmond Examiner*, during John R. Daniel's connection with that journal, records a conversation which Mr. Peyton's father had held with Madison upon the subject of these "Resolutions" of '98.

The Ex-President earnestly re-affirmed the STATES RIGHTS PRINCIPLE which gives them vitality, declaring that what it is now the fashion to term an "exploded heresy," constitutes the very corner-stone of American Liberty!

his allies, as profound, exhaustive, unanswerable, so far from having overthrown his opponent, leaves him where he had taken his stand at the beginning of the controversy, unmoved, and undismayed, his feet firmly planted upon the granite rock of the Resolutions of 1798.⁸ A brief analysis of Webster's constitutional views and deductions, and of Hayne's manner of meeting them, will prove, we think, the justice of our opinion. And here we must borrow from McDuffie's luminous synopsis of the reasoning of both parties.

"Webster's *fundamental* proposition," says he, "that which gave character to his whole theory, was, that the people of the United States *in their aggregate capacity, as one Nation*, made and adopted the Constitution by which the Federal Government was brought into existence." It was rejoined that this proposition was palpably contradicted by history, and explicitly by the Resolutions of 1798. That the Federal Convention was composed of delegates

⁸Throughout the contest Webster was embarrassed by his former political relations, and by the emphatic stand *against* protection which he had taken in 1816-20-24. About that period he had said in debate, *I am an enemy to rearing manufacturers or any other sectional interest in a hot-bed, and I never desire to see a Sheffield, or a Birmingham, in this country.*

elected *by the States, acting separately through their Legislature*; that these delegates voted, not as a common mass, but as the representatives of their respective States, each State, without regard to its population, having *one* vote, as a sovereign equal; and that the Constitution thus formed was adopted by the several States, each acting separately in its highest sovereign capacity. That the substance of these facts was plainly stated in the Virginia resolutions, as follows: "The Constitution of the United States was formed by the sanction of the States, *given by each in its sovereign capacity.*"

"The next proposition of Mr. Webster, the legitimate offspring of the former, was, that the Federal Government has the exclusive right to determine the extent of its own powers, and that the Supreme Court was the organ through which that determination should be made in the last resort.

"To this it was rejoined that it was a political solecism to talk about a division of powers between *sovereigns*,⁹ and yet to assume the exclusive right of

⁹ Let the reader bear in mind that Webster (unlike the adventurous political Sciolists of a later date) never pretended to dispute the *authority* of the Virginia and Kentucky resolutions.

one of these sovereigns to determine the extent of its own power, and by necessary consequence, to limit the power of the other at its discretion. That however true it was in a simple, consolidated government, that this right of *final* judgment existed, it was absolutely incompatible with the very notion of a Confederate Government, formed between independent States by a constitutional compact, defining the powers of their common agents for their common benefit, and reserving all other powers to themselves respectively. Here, the Virginia and Kentucky resolutions were clear and emphatic; too clear to be refined away by any logical subtlety. The *latter* declare, ‘that the principle and construction contended for by several of the State Legislatures, that the general government is the exclusive judge of the powers delegated to it, *stop nothing short of despotism*, since the discretion of those who administer the government, and not the Constitution, would be the measure of their powers.’

“The *last* leading proposition of Webster was, that in no case of Federal usurpation, however enormous, could a State interpose its sovereign authority, to protect the rights, property, or liberties

of its citizen against an authorized Act of Congress, without incurring the guilt of *treason* in the persons of her functionaries. To this it was rejoined that the idea of a State committing treason against its confederates was inconsistent with the first elementary notion of sovereignty, and was founded upon the assumption that the States were dependent corporations, or unorganized masses of individuals; that the interposition of a State in cases of gross oppression was a constitutional remedy, and, being the act of a sovereign power through its civil organs, was in itself peaceful; in short that it was the happy expedient of resisting intolerable despotism, of *coercing* a compromise, under our Federal System, in cases which would produce civil war and revolution, under other forms of government."

The foregoing is a succinct and candid epitome of the entire constitutional argument embraced in the speeches under consideration. Stripped of all superfluous matter, divorced from the seductive wit, the polished irony, and the superb rhetorical forces with which the advocate of consolidation dazzled and confounded the judgment of his hearers, we cannot see how it is possible to deny that the logical

victory in this great contest remained with the champion of the South.

Among the numerous *contemporaneous* accounts of the debate, decidedly the most graphic, and impartial, was written by a Washington correspondent of "*The Philadelphia Gazette*." What will these ignorant or prejudiced persons who are now-a-days in the habit of glibly declaring that "Webster *annihilated* Hayne in 1830," say to such testimony as the following :

"But no report can possibly give you an idea of the deep interest of the scene, and the peculiar manner of the two eminent and eloquent men who were contending for the mastery. There was much of personality which it is impossible to transmit to paper, or even to arrest upon the memory ; a great deal of the dumb show of eloquence, the expression of the eye, and the significant gesture, which to be appreciated in their proper force must be seen. Mr. Webster replied to Mr. Hayne's second speech in an argument which occupied two days in the delivery. I mean two Congressional days, which consists of about three hours each ; to which Mr. Hayne rejoined in another argument in support of his own

constitutional doctrine, and the debate was closed between them by Mr. Webster in a brief speech of about half an hour, on Wednesday last. The opinions as to the victory in this strife, *are of course as much divided as are the parties whose different views of the Constitution have been severally maintained, and by worthy champions.* The opposition party generally contend that Mr. Webster overthrew Mr. Hayne, while on the other hand the result is triumphantly hailed *by the friends of the administration as a decisive victory over the Eastern giant.* They say that the Southern orator is more than a match for the New England lawyer. *Not inclining decidedly to either of these opinions, I think those two words fitly characterize the eminence of either.* Mr. Hayne is truly an *orator* full of vehemence, eloquence, and passion, a correct and powerful reasoner, with a most vivid imagination, which is under the guidance of severe study and correct taste, graceful in person and action, and with a most musical voice. Mr. Webster, on the other hand, is a lawyer, and a great lawyer, one who has at his immediate command all the logic and all the wariness of a cool and practiced debator, of extensive reading and much learning, of perfect

self-possession and always master of the subject, or at least of all the arguments on his own side of the subject, and ready with coolness and circumspection to seize rapidly upon the weak points of his adversary. As a speaker, he is calm, collected, and dignified, sometimes energetic, but never impassioned or vehement. His voice is clear and firm, and he manages it with much ability ; his gestures are few and not always graceful, but generally forcible and impressive. A material contrast between these two men is in the expressions and mobility of their features. Mr. Webster's countenance is generally cold, severe, and impressive, which makes the occasional sarcasm when accompanied by a sneer or a smile exceedingly effective. The face of Mr. Hayne, on the contrary, is constantly in play, every varying emotion rushes to his countenance, and is there distinctly legible. I do not, however, think that Mr. Hayne completely overthrew Mr. Webster, but I am decidedly of opinion that Mr. Webster did not overthrow Mr. Hayne. Mr. Hayne sustained the constitutional views which I firmly believe to be correct, and which are confessed to be correct by many who deny the South Carolina application of them, and he

sustained them with a power of eloquence and force of argument, which to me are perfectly conclusive. I cannot admit the justice of Mr. Webster's reply, yet I can admire the force and ingenuity with which he urged them, and the powerful appeal with which he enforced them upon the Senate and the country. He sustained his reputation well, but he has found a Southern rival who certainly goes beyond him in all the external requisites of an orator, and whose intellectual powers are of an order to make him in every sense a formidable rival in the public estimation."

One word, before we leave this branch of our subject, upon certain passages of Webster's speech addressed to the passions and imagination of his audience. Who does not remember his famous eulogium on Massachusetts? "There she stands," he exclaims, "behold her and judge for yourselves. The past at least is secure. The bones of her sons, fallen in the great struggle for Independence, now lie mingled in the soil of every State from New England to Georgia, and there they will lie forever." Never did stump orator, addressing the "great Unwashed," and in the utmost heat of his enthusiasm,

indulge in a wilder outburst of "buncombe," than this. Webster was familiar of course with the history of his own section, and must himself, we take it, have "laughed a silent inward laugh," when he gave utterance to so extravagant a boast. He knew then, as we all know now, that the "bones" of the New England soldiers, those at least that "lie" south of the Potomac, and along the theatre of the fiercest conflicts of the old Revolution, are not likely, when summoned from their rest by the trumpet of resurrection, to go very far towards the making of a corporal's guard.

But the principle of a consolidated Government which Webster, despite his "brave words," could not successfully deduce from constitutional authority, has at last been successfully enforced by the bayonet. The consequences of this glorious victory we behold in the impoverishment and degradation of eight millions of our people.

Three years of doubt and anxiety had passed, when the crisis, so long anticipated, arrived. The time had come for South Carolina to act. Chosen a member of the State Convention, and elected Chairman of the Committee of Twenty-one, Hayne

reported the famous Ordinance of Nullification, proceeded by a discussion of the causes of disaffection *ab ovo*, and followed by addresses to the people of the State, and of the United States respectively. The "Report" alluded to the hopelessness of any favorable interference by Congress, and to the right of the State to make void an unconstitutional law. Very soon after the passage of the Ordinance, Hayne was called, one may almost say by acclamation, to the post of Chief Executive of South Carolina. The responsibilities connected with the office at that time were, beyond description, complicated and embarrassing. It was no sail over summer waters that lay before him, but a tempestuous passage over unknown seas, beset by swift cross-currents, and opposing winds, made dangerous by many a shoal, and reef, and quicksand, and with impenetrable darkness veiling an unseen port. He might well have thought with Ulysses,

"It may be that the gulfs will wash us down,"

but like the grand old Greek explorer, he possessed

"An equal temper, and heroic heart,
To strive, to seek, to find, and not to yield."

It was, indeed a period of intense, wide-spread, overwhelming excitement. Dangers threatened from without. The most unhappy divisions existed at home. Emergencies were sure to arise, divers opinions would certainly prevail, concerning which, act as one might, no merely human chief magistrate could expect to escape the severest censure and reproach. Hardship, detraction, bitterness, alienation, in some cases, of life-long friends; captious opposition, and despairing rashness; the machinations of secret foes, and the wavering counsels of weak associates; possible coercion from the General Government, and impending civil war, with the dreadful accompaniments of murder, anarchy, and utter disorganization of society; each and all of these peculiarities, and difficulties of his position were clearly present to his mind. Indeed, with his penetrating and forecasting imagination he saw and appreciated, as others could not, every minutest trial that would of necessity belong to his official station.

In tempting contrast with the requisitions of such an office, were the congenial labors and duties of his senatorial career. Already had his powers, judiciously exercised, won for him the admiration of

a body of men which at that period included many of the profoundest and most brilliant intellects of the country. Universally, they regarded him as a leader, a genuine statesman, whose talents, equalled by his integrity and conscientiousness, justified the loftiest aspirations. The temptation to remain where he was, to follow, to its probably majestic close, the pathway of ambition opening before him in the great Council Hall of the nation, would have proved overpowering to any mind less highly strung by duty than his own.

But where the choice lay between inclination and principle, Hayne never hesitated. In this respect the perfection of his character was almost ideal. No knight of the antique ages, no chevalier, *sans peur, et sans reproche*, ever worshipped Love and Beauty as *he* worshipped that stern, cold, imperious mistress,

“Queen of the moonlike, melancholy eyes,
Whose light seems loveless, shorn of warmth and joy ;
Whose pale brow bears no garland bright with flowers—
But wreaths of thorn, not bloodless ; whose dim way
Leads from the sunshine and the blush of dawn,
Stern-voiced, ice-hearted DUTY.”

So, with not a sigh for opportunities relinquished forever, Hayne turned his back upon seductive

hopes and natural ambitions, and with a step that never faltered took his place at the head of the distracted little State to which he deemed his allegiance due. The large field of Federal politics with all its possible distinctions and rewards he calmly abandoned, to enter upon a course crowded with certain, innumerable, perplexities, overshadowed by danger, and ending perhaps in *death*.

Hayne's Inaugural Address, as Governor, was a highly characteristic effort. It was compact, forcible, impassioned. The entire question at issue, he represents in fiery outline. His appeals to the patriotism of the people have a Demosthenic depth, and glow with the vigor of irrepressible energy and will. And in this, as in all his appeals upon occasions pregnant with serious consequences, whether addressed to the Senate, or to the populace, there is a vein of such profound sincerity, that though his opponents might pronounce him a political bigot, though they might even say with Hugh Legaré, in reference to Nullification, that "*quoad hoc*, he was (like Calhoun) *mad*," yet few ever dared to insinuate that his aims were low, or his purposes ignoble.

Among those present at the delivery of "the inaugural," was Wm. C. Preston, who succeeded Hayne in the United States Senate. "Never," he declares, "have I listened to so successful a display of eloquence. It inspired the hearers with irrepressible enthusiasm. I myself was agitated and subdued under its influence; many wept from excitement, and all, without distinction of party, were borne away, and entranced by the magic powers of the speaker." One passage from this address we must quote, because of the mingled dignity and determination which breathe in every line.

"In the great struggle," says the Governor, "in which we are engaged for the preservation of our rights and liberties, it is my fixed resolve to uphold the sovereign authority of the State, and to enforce by all the means that may be entrusted to my hands her sovereign will. I recognize no allegiance as paramount to that which the citizens of South Carolina owe to the State of their birth or their adoption. I here publicly declare that I shall hold myself bound by the highest of obligations to carry into full effect not only the Ordinance of the Convention, but every act of the Legislature, and every judg-

ment of our own Courts, the enforcement of which may devolve on the Executive. I claim no right to revise their acts. It will be my duty to execute them. That duty I will faithfully perform."

The peroration of this inaugural, even now, after the lapse of nearly half a century, it is impossible to read with steady pulse and unstirred blood. No wonder that its burning words, when poured out in the deep, mellow, sympathetic voice of the orator, should have transported those who listened beyond themselves; should have annihilated every thought of a selfish expediency, and banished alike the fears of the coward and the petty calculations of the egotist. No wonder that the men who heard them went forth, for an hour at least, purified and exalted beings; emancipated from the trammels of nineteenth century conventionalism; glowing with a spirit as fervant as that which responded to the preaching of the Hermit-Evangelist, seven hundred years before, with the clang of battle-axe and spear, and the flash of the Crusader's Cross, from the wilds of Germany to the waves of the Adriatic.

And now, startling events trod rapidly, as it were, on one another's heels. President Jackson—whose

political obligations to South Carolina were infinitely greater than his political obligations to any other State in the Union—suddenly took ground with the extreme Consolidationists, and issued a proclamation, denouncing the proceedings of the State, calling upon its citizens to abandon their primary allegiance, and threatening them, in no measured terms, with military coercion.

This ferocious document, which, we are informed, spread terror everywhere, with its progress, reached the seat of the State Government at Columbia, while the Legislature was still in session. At ten o'clock, A. M., it was laid before the Committee of Federal Relations. While they were considering it, the Chairman stepped into the Executive Chamber, and addressing the Governor, inquired whether he would undertake an official reply? "I will," rejoined Hayne," "if the Legislature so desire it." The Legislature having duly expressed their wish to that effect in a Resolution calling upon the Governor for a counter proclamation, there was issued two days afterwards, that is to say, "in as little time as was necessary for the mere penmanship," a document "whose eloquence of composition," says

McDuffie, "and conclusive argument, refuted all the show of argument in the President's proclamation, rousing by its tone of proud defiance, devoted patriotism, and spirited rebuke, the highest feelings of the country."

The effect of this proclamation was twofold. It defeated the too evident anticipation of the Government at Washington, that the people of Carolina would immediately annul the offensive "Ordinance," and endeavor to make terms with them. It tore off the veil of "plausibility" which had been cast over the horrible features of the Presidential proclamation, and by "exposing the monster in its native deformity," compelled a reaction as wide as it was overwhelming. Voluntary offers of service began to pour in upon the Nullifiers from all the other Southern States. As for the citizens of Carolina, they were like men who had drunk strong wine; not the wine of debasing intoxication, but that of heroic enthusiasm. Hayne, appreciating on the instant the condition of the public temper, moulded, controlled, and directed it to efficient public ends. At this dangerous juncture he astonished even those who had known him best, by the consummate ex-

ecutive genius he displayed. All his measures were prompt, energetic and judicious. While passion ran riot over whole communities, threatening to dethrone the soberest judgment, he alone remained undisturbed and calm. His presence seemed ubiquitous ; his activity was ceaseless. And though as one difficulty vanished, another arose mockingly beyond, it was only to disappear in turn, before his dauntless perseverance.

The military crisis had found the State deficient in arms, and in every kind of munition of war ; and these, under the circumstances, it was exceedingly hard to procure. There had been great neglect in the discipline of the militia, for the military spirit had in no wise been encouraged by the former policy of the State. But ample funds were now put by the Legislature at the service of the Executive, and he was authorized to organize volunteers, and to summon from time to time such portions of the militia as should be found necessary for State defence.

He instantly dispatched agents in every direction to procure muskets, swords, rifles and cannon. A large supply of powder was purchased, and a manu-

factory of cannon balls at once established. The Citadel in Charleston was rescued from the Federal troops, and an ordnance department and armory were erected therein. A competent guard garrisoned that post; while detachments, daily relieved, took charge of the powder magazine not far from the city lines. Military depots arose, as if by magic, in every quarter of the State. It was clear that the defence against Federal invasion would be desperate.

The official military returns showed upwards of twenty thousand organized volunteers, and arrangements were projected to throw upon Charleston, or any other point that might be assailed, one thousand men in twenty-four hours, and at least one thousand more every day afterwards for twenty successive days.

The *home* minority opposed to Nullification was a most intelligent and respectable minority. It derived a formidable influence indeed from the high character and talent of its leaders. First among these in the active, practical exertions against Hayne and his allies was the Hon. Wm. Drayton, a shrewd, clear-headed, able, determined man;

slowly arriving at his convictions, but immovable in them, uncompromising in principle, sagacious in practice, and with a purity of *morale*, which proved in addition to his other high qualities, a "tower of strength" to his adherents. He was vigorously supported by a trio of distinguished lawyers, Grimké, James L. Petigru, and Mitchell King. Alfred Huger gave his ardent adherence to the same policy. Legaré contributed to it, from his residence across the Atlantic, the moral weight of his fame, his splendid abilities, and his well-known predilections for the Union. Gilmore Simms, then a young author just rising into repute, fervent, and uncalculating, edited a Union journal with immense spirit, energy, and fire. Sam'l Henry Dickson, Geo. S. Bryan, and Wm. H. Timrod (the father of the late exquisite poet, Henry Timrod), were prominent among the junior members of that party.

Charleston was rightly considered the headquarters of the Unionists. There the party mustered strongly, and the excitement was stimulated to the highest pitch. When, upon the issue of the "counter proclamation," and the dissolution of the Legislature, Hayne removed to the metropolis, and the

rumors of Federal coercion grew hourly louder, and more definite, it really appeared as if all possibility of pacification was over. On the occurrence of the slightest pretext, hostile bodies of citizens would parade the streets, their conflicting badges tauntingly displayed, with faces darkened by anger, and souls full of bitterness. Often, the same family would be represented in different ranks. A son bearing the cockade of Nullification, would scowl at his father in the lines of the Unionists. Brothers were pitted against brothers. Old comrades, whom nothing before could separate, glared at each other from opposing points, and felt a murderous devil stirring at their hearts. A luckless watch-word, an accidental blow, the turning, so to speak, of a single hair, and what horrors would not have ensued? Over this political purgatory, which might at any moment deepen into a hell of blood, the Governor maintained an unintermittent watch. He well knew that in an Argus-like vigilance lay the only hope of peace and safety.

Beneath all the unrest and passion so clearly apparent, were other, less conspicuous, elements at work. "What masks these uniforms are, to hide

cowards!" was a remark of Wellington, applied to the superficial aspect of military display. All dangerous crises are indeed pregnant with terror. Under surfaces of turmoil and furious bravado, runs, dark and deep, the subtle tide of apprehension; at certain moments of unconquerable weakness, all hearts grow chill. So, among those antagonistic parties in Carolina, preserved as yet from the mere wild-beast spring and grapple at each other's throats, there existed, doubtless a dread of consequences, which felt, though unacknowledged, by the men, must, through an involuntary reaction of shame, have essentially and finally qualified the nature of the strife. Among the women it came out in picturesque and tragic glimpses. They understood that there at Washington, encompassed by Republican forms, but an absolute King *in fact*, ruled a stern, unyielding old man, who looked upon opposition to his *office*, justifiable or unjustifiable, as an insult to his personal dignity. They knew that to him restraints of law were often but so many cobwebs to be brushed aside from between his sovereign purpose and the attainment of it. What marvel, therefore, that in those times peace and

content were strangers in the households of Carolina. To the dread of Presidential wrath was added the more womanly dread of sudden fratricidal conflicts in the thoroughfares. Wives could not lose sight of their husbands, mothers of their sons, sisters of their brothers, without a sad consciousness that perhaps they had beheld them in their living vigor and manliness for the last time. A few anecdotes associated with these turbulent months will throw more light upon the nature of Hayne's administration than a volume of official details.

It was supposed for some time in Charleston that Jackson had ordered the arrest of several prominent citizens, members of the Nullification party, and among them the Governor himself. It therefore became with him, and with his friends, a subject of consideration what course of conduct he should pursue, in case of such an event. Serious difficulties were presented on all sides; but, after a protracted discussion, it was agreed *that the Governor should not allow himself to be arrested for his official acts*, as the rights and dignity of the State would be implicated in such a proceeding; so he determined to resist the process at every hazard. The probable

death of the arresting officer at his hand, or his own death by the hand of the officer, was contemplated and freely commented on, with the stern simplicity which such a theme demanded. Hayne's only anxiety was on the question of his duty. That having been ascertained, its performance would follow as a matter of course.

The expectation of an immediate arrest was so strong, indeed, that a sharp ring at the bell while the consultation was in progress startled the gentlemen present with the idea that the period had actually come, and that the officers of Jackson were waiting at the gate.

An intelligent and upright clergyman, long a neighbor and intimate friend of Hayne's, has left on record the two significant anecdotes which follow: "I had," he says, "during Nullification, several interesting conversations with the Governor. We were once speaking, alone together, after I had offered him my personal services in any way, of the insolence of the officers of the army and navy then in our harbor; of their firing guns from forts and vessels as if to overawe the people, and appearing in the town, day and night, with full dress, and side

arms ostentatiously displayed. We agreed it was enough to make Carolina blood boil. Growing animated, he remarked: 'I tell you that such is the spirit of the people, and such the actual organization and readiness in the country, that with the hoisting of a flag, the firing of a gun, the blast of a trumpet, or *even the lifting of my finger*, I could throw ten thousand men into the city in less than five days, who at the word of command would not leave a limb in its place among all the petty forces of the United States in the harbor. Judge, therefore, of the sincerity of my desire for an amicable adjustment of this controversy, when I say that, with all these insulting circumstances, or under circumstances even more aggravating, my *fixed resolve is to avoid a collision at arms, if it be humanly possible.*' " Another conversation occurred at the period of the arrival in Charleston harbor of a ship loaded with munitions of war for the State. " At dead of night," said the Governor, " I was roused hastily by some of our friends, who came to tell me that a Committee of the Union Party was just then forming to go aboard of the ship and throw the property of the State into the dock. They urged me

to order out a volunteer company of Nullifiers immediately, to guard the public property. My reply was prompt: I will do no such thing. In the first place I don't believe that any persons will be foolhardy enough to attempt the execution of the design mentioned. But suppose they are, and that the arms of the State are thrown into the dock, the State can buy more. The loss of mere property will be trifling compared with the importance of maintaining our position and principle with a perfectly pacific bearing. Now, were I to do as you wish, and order out a company, the families in the neighborhood would know it; the inhabitants of the streets through which they passed would know it; our adversaries would hear of it, and say, they are coming to butcher us; and would fly to arms themselves. In the present state of exasperation and excitement, nothing could prevent a bloody collision between armed parties meeting in the streets at midnight. No, no, gentlemen, I am unalterably determined that if, in this controversy, blood must be shed, the first drop shall be shed by our opponents."

The winter and spring of that memorable year, 1832, were passed in the midst of such oppressive

fears, and darkened by such tempestuous clouds charged with bolts of ruin, that few of those who beheld or participated in its stormy scenes, can recall them without a shuddering horror. But so firm was the attitude of South Carolina, under the guidance of her invincible chief magistrate, that the Federal Government was constrained to temporize, and then measurably to yield. The compromise of Clay, delusive as it subsequently proved, (because not carried out in good faith,) put an end to the troubles of the time.

The honor of Carolina had been saved. A tremendous blow had been struck at the tyranny of consolidation. Confusion, and somewhat of humiliation, prevailed in the camp of the enemy. And gradually, as the prejudices of party relaxed, as Hayne's fellow-citizens were enabled to view his gubernatorial course with calmness and impartiality, they could not but agree unanimously that never perhaps in the history of this or any other country had the wishes of judicious statesmanship, informed by the loftiest integrity of purpose, been more significantly exemplified.

In December, 1834, Hayne's term of office as

Governor expired. He then retired into private life; but not to enjoy what Rousseau has termed, "*le délicieux far niente*," since his active mind could never be restrained from practical employment directed towards the public welfare. It was shortly subsequent to this period that the question of the feasibility of establishing an internal communication, by means of a railroad, between the Atlantic and the navigable waters of the West, began to be publicly entertained. Having maturely investigated the proposition and convinced himself of its practicability and importance, Hayne was soon identified with this magnificent enterprise. Through his instrumentality the "Charleston, Louisville and Cincinnati Company" was formed. Through his exer-

NOTE.—In the March Convention of 1833, held at Columbia, S. C., the Hon. Robt. Turnbull, while pressing upon his colleagues the acceptance of the "Compromise Bill," thus addressed the *extremists* of his own party: "Will gentlemen," he said, "still cry out that little had been done? Is it little to have stopped the headlong profligacy that was hurrying your institutions into the gulf of despotism?"

"Is it little to have put a bit in the teeth of the Tariff-mongers? Is it little to have foiled the *barbarian fury* of General Jackson?"

"For a single *State* to have achieved all this, was surely prodigious! With our *one-gun battery of Nullification* we have driven the enemy from his moorings, compelled him to slip his cable and put to sea!"

tions charters were obtained for the company from the Legislatures of several States ; and by his convincing arguments he succeeded in securing for it banking privileges in South Carolina, North Carolina, Tennessee and Kentucky.

To this undertaking he devoted all the energies of his mind and body. Frequently he would travel from State to State, addressing popular and legislative assemblies on the subject, and urging them to the support of a measure, of which the good effects would be not only the promotion of the material prosperity of the South and Southwest, but their union by the still dearer ties of social intercourse and reciprocal attachment.

Nor did his useful activity stop here. He likewise devoted his eloquence and labors, whenever a fragment of leisure could be snatched from the duties of the railroad company, (of which he had been made President,) to the accomplishment of its great twin enterprise, the creation of a system of *direct trade* between the Southern ports and Europe. Early in 1839, he read before a Commercial Convention, the proceedings of which were held in Charleston, a minute, careful and interesting report

on the advantages of such a system, and the best means to be employed for insuring its success. Some months later, at an annual meeting of the stockholders of the railroad company, at Asheville, he presented a full report of the proceedings of the company for the year. It was the *last* official act of his life. Intense exertions, physical and intellectual, on behalf of the cause he so warmly espoused, had possibly predisposed him to disease. Even the resources of his powerful mind and constitution had been too severely taxed. His private letters at this time bespoke a weariness and despondency, utterly foreign to his sanguine, buoyant temper. Presentiments, vague and formless, seemed to be present to his inward vision. Doubtless, these were intangible, spiritual mists, floating up from the dim "Valley of the Shadow." In the midst of the deliberations, Hayne was attacked by a bilious fever, which, despite the assiduous care of two eminent physicians, put an end, after ten days illness, to his earthly career of usefulness and honor. He died on Tuesday morning, the 25th of September, 1839, at the hour of twelve, meridian. He was sensible almost to the last moment, and submitted

to his fate with the quiet fortitude of the Christian believer. At his decease he had not yet completed his forty-eighth year.

We shrink from any attempt to record the consternation and grief occasioned by this sudden, melancholy event. It is no exaggerated figure of speech to say that it prostrated his native State in the dust and ashes of despairing sorrow. Many of her sons may have been equally admired ; none, with the single exception of Calhoun, had ever been so ardently beloved by her as Hayne.

But the effect of his demise was not confined to South Carolina. The entire South mourned him ; and even from those sections of the country hostile to the political views for which he had contended, there came the most cordial expressions of sympathy and regret. His remains, deposited temporarily in a private burial ground, near Asheville, were subsequently removed to Charleston. In person Hayne was *above* the medium height ; large-limbed and compactly formed, with unusual breadth of chest and shoulders. His features were strongly marked and irregular, and his eyes of that light, neutral gray, which ordinarily seems to be lacking

in depth and expressiveness. In repose his countenance was somewhat heavy, but, once animated by the soul and genius which lay behind its impassive surface, the transformation was startling. Then his gray eyes kindled, deepened, grew inspired; every line of his face woke, as it were, from slumber, and every feature blazed with eagerness, intelligence and passion.

A solitary lake in the dim, vaporous dawn, and the same lake, with sunlight flashing up from every ripple of its irradiated surface, may be received as a correct image of the widely different aspects presented by Hayne's countenance, in moments of quietude, and in moments of intellectual excitement. Phrenologically, his head was more remarkable for the exquisite balance and harmony of faculties, indicated by its various developments, than for unusual size, or the preponderance of any special endowment, such as imagination, reason, etc.

Very seldom is it either a pleasant or a profitable task to trace the lives of public men beyond the circle of their official duties and activity. Private virtues seem too often incompatible with the pursuits and genius of the statesman. One who is all-

powerful, and all-respected, perhaps, in the Cabinet, or the councils of a nation, we find continually sinking below the average level of domestic character; displaying the very worst traits of a reckless father, a tyrannical husband, or an unfaithful friend. History sustains this assertion. When, therefore, we encounter that rare phenomenon, a politician of the highest type, whose intellect is equalled by his *morale* and whose public acts are not more brilliant than his private acts are beneficent and pure, we are impelled to regard him with a mingled sentiment of reverence and wonder. Such a phenomenon was Robert Y. Hayne. "Nothing," says one tenderly related to him in blood and affection, "nothing could exceed his respect for domestic ties, and that disinterestedness which led him all his life through, to fulfill so gently and beautifully, the Apostolic injunction, that every man look not on the things of his own, but on the things of others. It is not possible to conceive a greater oneness of interest than he maintained towards each and all of the members of his family. All he had was freely imparted to them; his time, his services, his means, and in all their afflictions he was afflicted"

What an epitome of character is this ! If that side of his nature turned towards the public view was spotless silver, surely the *reverse* of the shield was gold. Erasmus alluding somewhere to the deeds, teachings, and life of Socrates, exclaims in a sort of ecstasy, "*Sancte Socrates, ora pro nobis !*" Though we may not believe in an apotheosis nor in an appeal like this, yet certain it is that there exists a *calendar of the soul*, in which the exceptionally wise and pure should be sublimely canonized. And when we study the lives of such men—the moral kinsmen of him whose record we have imperfectly presented—lives so unselfish and so exalted—we feel our spirits transported into mystic communion with their own ; the grosser parts of our humanity shrink and fade away in the intense effulgence of their goodness, whereby we are enlightened to comprehend in all its beauty and philosophy that truth which Fletcher has set to a solemn music :

" Man is his own star, and the soul that can
Render an honest and a *perfect man*,
Commands all light, all influence, all fate,
Nothing to him falls early, or too late,
Our acts our angels are, or good or ill,
The fatal shadows that walk by us still."

Not long ago, after the lapse of a decade, we visited Hayne's native place ; that City by the Sea, whose fame, since the memorable siege which she endured so gallantly, has become as wide almost as the world. Wandering through the graveyard of St. Michael's, we came upon the spot where, beneath an obelisk of marble, the ashes of the great statesman and incorruptible patriot repose.

Immediately beside the monument, and casting a golden gloom across the urn upon the top, a young laurel tree—young still, though planted more than thirty years ago—lifts its dark, graceful form heavenward extending its shadowy but vigorous boughs as if in reverential protection of the dead. Slowly, from the decaying dust below, its roots have gathered sap and strength, to be communicated to lusty trunk, and waving branches, and to glisten with a vivid lustre in the deep-green, melancholy beauty of its million unfading leaves. Slowly, year by year, those tenacious roots take firmer hold upon the soil ; that sturdy trunk expands by insensible degrees towards the fullness of maturity ; those waving branches shoot more boldly up into the sky ; while the crown of innumerable leaves grows

into intense verdure, which catches added lustre from the sunlight, and a sweeter music from the breeze.

Thus, in the solemn memorial fields of History, amid the records of great deeds that partake of the essence of eternal life, the fame of this spotless and noble genius gathers vigor in its quietude, and a freshened lustre from the lapse of time. The reckless demagogues, the venal scribblers, the besotted people, of a corrupt and worthless epoch, may pass it by unheeded ; but there it rises, undefaced and beautiful, in a charmed region of its own ; a region in whose soil all pure renown is nourished and kept alive, as an example to the nations that come after it ; whose sunlight is the smile of God, and whose airs are the airs of immortality.

HUGH S. LEGARÉ.

The great names of the South are dying out. For want of an adequate record, men, whose genius the whole country honored in their lifetime, are beginning to sink into obscurity. With the decay of the present generation, the passing away of all contemporary evidences, all familiar memoranda, of their ability, services, and *personel*, we must lose forever those means whereby fresh and vivid portraits of character are secured, and be forced to content ourselves with such meagre, and imperfect, if not distorted, likenesses, as the hand of the future biographer can draw, with the hesitating aid of tradition, and the dry details of official documents. That "oblivion cannot be lured," we know full well, but it *may be* injuriously anticipated ; and in view of the present aspect of things, there is reason to

fear that the illustrious names of the South will disappear before their time among these Lethean shadows which finally must embrace us all!

Of the career of *one*, at least, of these gifted men, we desire to revive the recollection: to show how he lived, labored, triumphed, and, in the course of a comparatively short life, achieved a reputation as unique as it was splendid. A scholar, solid, and profound; a lawyer of philosophical reach, and breadth of attainment; an eloquent advocate, a sagacious statesman, and a shrewd, courtly, diplomatist, he exhibited in all he thought, wrote, or did, an exhaustive thoroughness, the natural product of the genuine quality of his genius, and the ample resources of his learning. As an example of difficulties overcome, and discouragements mastered; of steady aims that never swerved, and a resolution for work-day details, which gave to his talents their practical force and emphasis, his life is no less remarkable than for the exercise of wholly exceptional endowments in a manner at once liberal and judicious. In his mind we recognize a fusion of the imaginative and logical faculties, as in his temperament we cannot fail to observe a high enthusiasm,

moderated and controlled by a certain cautious reserve. This combination of qualities was natural to one in whose veins flowed the mingled blood of French and Scottish ancestors. He derived the fervor of his nature from Huguenot idealism and disinterestedness, its vigorous, dominant will from those iron Covenanters,¹ whose vocabulary held no such word as "yield!"

Hugh Swinton Legaré was born in Charleston, S. C., on the 2d day of January, 1797. His father, Solomon Legaré, Jr., was immediately descended from one of that band of French emigrants who escaped to Carolina, soon after the revocation of the edict of Nantz. His mother belonged to the famous family of Scotch Swintons, the hardy warriors of the border, who, centuries ago, defended their own domains; or, more frequently, perhaps, harried the domains of their neighbors with battle-axe and brand, and whose deeds of prowess yet survive in song and legend. She was a woman of unusual strength of character, a circumstance fortu-

¹ William Swinton, Mrs. Legaré's grandfather, the Surveyor-General of the Province of South Carolina, between the years 1721 and 1732, was supposed (as well as his brothers, Hugh and Alexander,) to be a *Covenanter*.

nate, indeed, as her husband, dying in early manhood, left to her sole care the management and education of their son, then but little more than an infant. Up to the fourth year of his age, Hugh was strong and comely of form ; he promised to develop a physique which might have been regarded with favor by his illustrious progenitors, the stalwart Baronial pricklers, known as “ Archibald of the Axe,” “ Richard the Ready,” “ John with the Long Spear,” or even that “ Stout Sir Alan,” to whom Scott thus refers in his *Halidon Hill* :

“ There needed not to blazon forth the *Swinton*,
His ancient burgoonet, the sable boar
Chained to the gnarled oak, nor his proud step,
Nor giant stature, nor the ponderous mace,
Which only he of Scotland’s realm can wield ! ”

But about this period he was inoculated with the small-pox. The artificial virus poisoned his whole system, assumed speedily a confluent form, and “ fixing upon the larger joints—elbows and knees—” resulted in “ deep imposthumes.” For months he lay suffering and enfeebled, and when at last the bonds of disease relaxed, he rose from his bed a wretched skeleton, that had to be carried everywhere upon a

pillow. The tumors were finally subdued ; but while they left the *trunk* uninjured, the lower limbs, which had promised such fine development, were arrested in growth, and became thenceforth hopelessly stunted, although neither weak nor withered. For eight years he gained hardly an inch in height ; but then, the boy everyone had feared would be a dwarf, shot up suddenly and rapidly, only it was the upper part of the person—the upper part *alone*—that attained its normal proportions, so that he presented the singular and somewhat painful spectacle of a man whose magnificent *torso* was, as it were, mocked at, and travestied by, the uncouth imperfection of the members. “Seated,” remarks one of his friends, “his length of body, set off by a broad, manly chest, a noble head, and an air unusually imposing, he looked of commanding person ; but *risen*, he seemed in a moment to have shrunk out of his bodily advantages.”

Thus afflicted, the lad was debarred from the physical sports and exercises of childhood ; he was driven to seek recreation in books, to concentrate his powers with precocious enthusiasm upon studies to which few others of his age could have found themselves allured.

The young scholar was at first fortunate in his instructors. After his assiduous mother had grounded him in the rudiments of English, he was placed under the charge, successively, of *three* teachers of ability. Of these, he was accustomed, in after years, to speak with warm gratitude, dwelling in a special manner upon his obligations to Dr. Gallagher, an Irish Roman Catholic Priest, who initiated him into the complex beauties of the Latin tongue, and to Mr. Mitchell King, a well known *litterateur* of Charleston, afterwards Legaré's firm, life-long friend. Dr. Gallagher, more, perhaps, than any other, appears to have appreciated his pupil's genius. "That boy," said he of Hugh, then in his twelfth year, "will be an honor to his country for erudition, and as an orator the Curran and Burke of America."

At thirteen Hugh was sent from home to an academy, in one of the upper districts (Abbeville) of South Carolina, which had gained a great reputation under the management of the Rev. Dr. Moses Waddell. But the strict, conventional, didactic system which seems to have prevailed in this establishment did not suit the youth's ardent nature.

The Rev. Doctor was wedded to forms and precedents. By *one* method only, in his view, could "the young idea be made to shoot" in the proper direction. He recognized no exceptional mode of learning, as he recognized no exceptional minds. All must be subjected to the same discipline. All must be forced to fit—the petty, commonplace intellect by unnatural efforts at expansion; the richly endowed, by efforts quite as unnatural, at contraction—into the Procrustes' bed of a scheme, held sacred by prescription.

Legaré soon became dissatisfied. No intellectual *rapprochement* existed, nor could any have been established, between the master and himself. Mutually, and thoroughly, they misunderstood each other. Little or no consolation for this want of due comprehension on the part of the higher Power, was found by Legaré in the sympathy of his companions. On the contrary, he turned away from the school, and nearly everybody in it, with impatience, almost with aversion. His mother was persecuted by letters of every variety of tone, entreating, argumentative, passionate, despairing; the main burden of which was, that he felt miserable in that place of

narrow routine, that mental tread-mill, and desired to be instantly set free ! But the good mother, however pained by his persistency and his genuine unhappiness, would not, upon this point, yield to his wishes. Her impetuous, eager, high-hearted boy must learn "to submit to the yoke in his youth." It was a hard struggle for them both. Yet, in the very midst of his wild discontent, his turbulence of soul and feeling, the son is ever chivalrously deferential to the mother, and the mother full of sweet, tender allowance for the hot humors of the son ! One who had read some of the letters to which we refer, letters of appeal and answer, of earnest supplication and firm denial, declares them to have been exquisite evidences of a love as rare as it is pure and beautiful ; a love which the years to come served only to strengthen and to sublimate. Public honors were heaped upon him in his bright, successful manhood ; honors of the Forum, the Senate, and the Hustings ; but we are assured by those whom he had taken into his confidence, that the most dazzling of his intellectual victories affected him only, or, at all events, *chiefly*, as the means of gratifying the noble pride and love of the woman,

who, in the absence of nearer ties, (for Legaré did not marry,) represented to him always the sacred charities, the profound attachments, of home. Moreover, in estimating the value of popular applause in his age and country, Legaré, Artist, Scholar, Philosopher, as he was, knew well that *such* approbation was too often in the inverse ratio of merit; that the audience which thrilled at *his* eloquence, and were convinced by the potency of *his* logic, to-day, would be affected to an equal, perhaps a greater, extent, by any cunning demagogue who should address them to-morrow. Therefore, the "plaudits of crowds" thundered by him unheeded. Even "the admiration of Senates" could stir but slightly, and transiently one who, in his thorough self-knowledge, his deep but not arrogant self-appreciation, comprehended of course more perfectly than others the massive force of those arguments he had painfully elaborated and the *real* significance of those truths and illustrations, drawn by intense effort from a hundred storehouses of occult, and half-forgotten wisdom. He might have exclaimed without one touch of vain glory :

" Gramercy friends ! thanks for your most sweet voices !
Thanks—but I need them not !"

The difficulties of Mr. Waddell's school increased. For Hugh there was no peace. Together with some of his school-mates from Charleston, he was accused of being a conspirator—a young Cataline—against the dignity and repose of the little scholastic empire! He angrily denied the charge, but the Doctor refused to credit him. *This* was unendurable! his solicitations to be taken away grew more vehement than ever, but luckily, his mother still held out against him, luckily we say, for in the end a better understanding was established between the boy and his master; the *latter* woke to a semi-consciousness of his extraordinary parts, and began to take some interest in their cultivation. It is but justice to confess, upon Hugh's own testimony, that the Doctor laid the foundation of the rich and varied Hellenic learning for which at a future period his scholar was so peculiarly distinguished.

Chastened in temper by the school discipline, however unduly strict, with habits of mental order and method superadded to a solid fund of acquirements and a high reputation for capacity, Legaré went from the Willington Academy to the State College, in Columbia. He matriculated in the

Freshman Class of that institution while he was yet under fifteen. An associate and college rival, destined thereafter to dispute with him the honors of eloquence and statesmanship upon the broader theatre of the world, observes, in reference to this time : " Legaré's reputation having preceded him, he was, on his arrival, an object of curiosity and interest to the students ; while, on his part, with boyish ingenuousness, he was not indisposed to exhibit his acquirements, nor backward in giving it to be understood that he intended to run for the honors of his class. His previous attainments, the astonishing facility with which he added to them, and the eager industry with which he threw himself upon his studies, gave him at once a lead which he maintained throughout his course, until he was graduated, not only with the honors of College, but with a reputation in the State. He mainly devoted himself to the departments of Classical Literature and Philosophy, and he zealously engaged in the discussions of the debating societies, in order to practice himself in the art of speaking. These studies were a passion with him."

Although a new foundation, the College, under

the able administration of Dr. Maxey, its first President, was in a highly flourishing condition. The Professors were conscientious men, of more than the average information and talents; but not to *them* did the young aspirant after all fair and noble things chiefly look for aid in his mental and spiritual progress upward. He had already learned that the wisdom of the dead, garnered in books, offered for his purposes and ambition, a talisman more potent than the formalism of professorial instruction, however logically and suggestively carried out. And so, the one bright centre of fascination to him in the midst of the decorous quiet of the little Academe, was the State Library, consisting then of only ten thousand volumes, but volumes admirably selected, and arranged with great tact and skill. There, every day after the hours of recitation, and invariably upon holidays, his still dwarfish figure, crowned by the leoline young head, with deep, earnest, melancholy eyes, could be seen making its way to some peaceful alcove, the arms loaded with folios, and on the countenance an expression of concentrated energy that foretold hard, vigorous, protracted work; work in which the student's inner-

most soul rejoiced. Amid such surroundings, it is probable that the rose-clouds of his childish fancies began, for the first time, to assume a definite consistency and form. The future rose clearly before him; a future set apart and made sacred by the loftiness and purity of the purposes to which it was dedicated. He would associate his name hereafter, with no ephemeral action, no dubious speculation; but would carve it, high and ineffaceable, upon the granite of *practical performance*; such performance as genius alone, strengthened by an *armory* of attainments, can bring to worthy and efficient consummation! It was doubtless the suggestion of ends so important, that fired the boy-philosopher's natural enthusiasm, banishing languor from his eyelids, and weariness from his limbs, after entire days and nights devoted to intensest application. "Often," said a comrade of his to us, "often when returning with the jovial fellows of our class from ball or party, perhaps from a secret and less legitimate expedition, to our quarters, have I remarked Legaré's candle burning long after midnight, and heard his voice, in sonorous recitation, rolling over the campus. But the moment our noisy approach

caught his ear, (if it happened that we dared be noisy,) the recitations ceased; the light, however, burned on; oh, he was indefatigable; nothing could wear him down."

But not within the walls of library and chamber only, was he wont to pursue his studies, or practice his recitations. Bent especially upon mastering every art of oratorical success, of "vanquishing, by extreme care, the ungraceful action of limbs injured by disease," he followed the example of Demosthenes, seeking, whenever opportunity favored his purpose, the solitudes of the wood and the seashore, "pitching his tones to the murmur of the forest," or declaiming, with impassioned gesticulation, to winds and waters. The masterpieces of ancient or modern English eloquence, would roll grandly in these moments of training, from mobile lips upon which Apollo, god of fiery passion, had set his seal in the youth's birth-hour. Or, oftener yet, the solemn chants of the poets—Homer's deep Hexameters, and Milton's "lofty-built verse," would seem to take a new meaning and impressiveness from the earnest grandeur of his recitative. Briefly, knowing from the first, what all but miracu-

lous charm lies in appropriate and striking action, what an instrument to sway and kindle the remotest depths of man's heart, nature has given us in the human voice, he bestowed upon *both* a minute elaboration of culture, the ultimate results of which were an elocutionary perfection unparalleled among his rivals and contemporaries. "His articulation," we have been told, "became golden in its distinctness; his intonations, without any false or unmanly cadences, that gave the idea of artifice, as pure and beautiful as those of Italian song. To *this* alone, indeed, as a system of sound the most perfect, could his management of speech be likened. Thus trained, his voice became clear, musical, delicate; true in its minutest inflections; while in its more vehement bursts, it grew capable of filling the air with its absolute thunders, to which we have often felt a large legislative hall tremble and ring. He conquered, in like manner, or contrived to hide, his bodily defects, so as to attain a command of gesture, sufficient to second the beautiful recitative of his voice, and the play of features highly oratorical, even in the only part where they deviated from regularity; lips and mouth large, passionate, and

scornful; a countenance altogether striking and imposing, lighted up with high intellect and feeling, and fit to mirror all that eloquence can express."

The first *two* years of Legaré's college course were passed by him in a seclusion that might almost have been called monastic. He eschewed, with but few exceptions, the society of his fellows, communing only with the immortal dead. During these important years, there can be but little doubt that he laid, broad and strong, the *foundation* of the vast and multifarious learning, which, in the maturity of his attainments, entitled him to the renown of an intellectual Crichton.

Side by side with the great epic and tragic poets of Greece and Rome, he studied Milton and Shakspeare, choosing rather to be indebted for his stores of philological knowledge to the practice of such masters, than to the *hortus siccus* of the grammarians.

From the antique tongues, he passed to the modern dialects derived from the Latin, French, Italian, Spanish, Portugese, to which, later in life, he added a critical knowledge of German; a language, we may remark in passing, little studied,

forty years ago even among the most accomplished English scholars, with, of course, note-worthy exceptions of Coleridge, DeQuincey, and Carlyle.

The mental tastes of the youth, so liberal, and true, were never in after life vitiated. Homer, in all that was worthy and characteristic of the “foremost of mortal wits,” he knew very nearly by heart. Portions of the Odes of Pindar he would declaim with fervid emphasis and action. Plato was ever near him, to be quoted as the most philosophic of idealists, and the most ideal of philosophers. Demosthenes and Cicero were his handbooks, each his *vade mecum*, of the true, oratorical sublime ; whilst of Thucydides—whom, his only biographer assures us, he adored as a profound historian, an able soldier, an accomplished orator, and a writer unmatched in all the severer arts of composition—it is certain that he made, in some most important respects, a model, and an exemplar !

The same robust preferences distinguished him in all his excursions among the fields of more modern literature. It was Rabelais, Montaigne, and the rich old Chroniclers, the quaintness of the Fabliaux, and the legendary beauty of Provencal song, that main-

ly attracted him in the French. Of Italian classics, the stern Florentine,

“——the marble man of many woes,”

possessed for his own somewhat sombre genius a tenfold stronger attraction than Boccaccio in the heat-lightning of his summer wit, or Petrarch eternally bemoaning the coldness and caprices of his Laura. And next to Dante, he studied and admired Machiavelli; penetrating at once, by a sort of instinct, the mere surface of his satire, and appreciating every tortuous turn of his logic, every manifestation of his ironic wisdom; taking refuge in epigram and symbol, long before the keen discrimination of Macauley had thrown a vivid and original light upon the enigmatical pages of the *Prince*.

Tracing the action of his mind, and the tendency of his tastes thus far, one could (even without any positive information on the subject) have anticipated with certainty what portions of English Literature were sure to demand his warmest approval and homage. Not the smooth cleverness of what has been termed “the Augustan age,” the facile humor and easy correctness of Steele, and his gifted asso-

ciate, the “parson in the tye wig;” not the imported frivolities and blasphemous sarcasms of the *Restoration*, to which even Dryden succumbed, when he composed his licentious Plays, and blindly undertook to “tag the verses” of *Paradise Lost*; but the “Heaven of Invention” that blazed over England in the reign of Elizabeth, the light and glory of which were embodied in the strenuous lines of Marlowe, whom Drayton describes as

“Up to the chin in the Pierean flood!”

and in the multiform genius and works of such men as Marston, Heyward, Johnson, Fletcher, Beaumont, Chapman, and the author of those sweetest lines ever penned, perhaps, by mortal, referring to immortal goodness :

“The best of men
That ere wore earth about him, was a sufferer,
A soft, meek, patient, humble, tranquil spirit,
The first true gentleman that ever breathed.”²

Towards the conclusion of his College course, Legaré somewhat relaxed his aceticism of manner and habit, but not of labor. He still persisted in giving seven hours to classes and recitations, and

²Dekker’s description of Christ.

eight hours to his own favorite studies, devoting what remained of the time to meals and slumber. By this time every one had come to look upon him as a marvel of ability and persistency. His fellow-pupils conferred upon him, with enthusiastic unanimity, the Presidency of their Literary Society; and when, some months later, he was graduated, as we have already said, with the greatest honors, there went with him from his *Alma Mater* predictions of a future renown, singularly undisputed and emphatic!

From Columbia, Legaré repaired without delay to his mother's home in Charleston, then, as always, both to his eyes and to his heart, the brightest spot on earth. About the city itself his deepest affections were entwined. Wherever the needs or duties of his subsequent career carried him, he would watch from afar its progress, and the progress of the State, with an almost painful solicitude. When, years after, he held a responsible diplomatic position at Brussels, news reached him of a momentous political crisis, rife with grave dangers to his fellow-citizens and to South Carolina. Immediately he addressed a friend as follows: "Dangers are around,

above, below, and within our poor little State, which may God preserve us from. I ask of heaven only that the little circle I am intimate with in Charleston, should be kept together while I live, in health, harmony, and confidence ; and that on my return I may myself be enabled to enjoy, in my intercourse with it, the same happiness with which I have been hitherto blessed. We are, *I am quite sure, the last of the race of South Carolina ; I see nothing before us but decay and downfall ;* yet, on that very account, I cherish its precious relic the more. My ambition is dead, and I think only of repose and social enjoyment, and *usefulness* hereafter. But my heart sinks within me often, when I think of what may too soon be, and I say in those touching words, ‘ Why should not my countenance be sad, *when the city, the place of my fathers’ sepulchres, lieth waste, and her gates are burnt with fire !* ’ ”

To us, occupying our point of view in 1869, this language, penned thirty-seven years ago, has all the weight and meaning of a solemn prophecy. A prophecy how dreadfully fulfilled ! And yet was fate merciful in this ; that of all those brightly-endowed children of a metropolis and State, (left

now more desolate than Niobe,) in whose society Legaré shone conspicuous, but *one* survives, moving among the wrecks of everything he had once loved and honored, a melancholy Sir Bedivere, forced to stand "companionless,"

"While the days darken round him and the years,
Amidst new men, strange faces, other minds "

How bitterly must the unfortunate native, who now shrinks, like a stranger and alien, through the streets of the city of his birth, refer to the fast-waning traditions of the fame and prosperity of Charleston! A brief half century ago and culture, refinement, hospitality, wit, genius, and social virtue, seemed to have taken up their lasting abode therein. A constellation of distinguished men—writers politicians, lawyers, and divines—gave tone to the whole society, brightened and elevated the general intercourse of men with men, and threw over the dull routine of professional and commercial labor, the lustre of art, and the graces of a fastidious scholarship. It did not take them long to recognize the stuff of which Legaré was made, and to admit him to their "charmed circle" as a brother and

equal. Every higher power and aspiration of the young man's soul was healthfully stimulated by contact with the kindred souls of thinkers, and well trained athletes of the Council-chamber and the Bar. For the first time he found a "lively congeniality with whatever a scholar's mind might seek for its recreation, or in its repose." Charleston grew at once the centre of his chief personal attachment. "To win its judgment and be cherished by it, became the more intimate and cordial thought of an ambition, which with him was always more than *half* of the heart! As he referred the main personal gratification of his future success to his mother, so did he to Charleston the principal delight of any public admiration. It came, in a word, to be the immediate idol of his public feelings, nearly such in his half-antique mind, as was the Greek city to its ambitious inhabitant; his *lesser* country; the object of a nearer patriotism than the *wider, colder one beyond*. The rest was duty; this, affection.

While yet at college, Legaré had passed in mental review the different liberal professions, and had selected for his own study and pursuit, the law. We may be sure that, even at the outset, compre-

hending, as few are able to comprehend, the importance and magnitude of a science built up by the wisdom of ages, he entered, with no light vanity, or overweening hopes of speedy distinction, upon the endeavor to master, first, its broad principles, and in due course, its formulæ and technical details. His desire to concentrate his powers, for a season, upon the *rationale* of jurisprudence, caused him, instead of entering an attorney's office, to place himself under the general supervision of his old tutor, Mr. Mitchell King, now a "leading" lawyer at the Charleston bar. Following his suggestions, and guided by his tact and experience, the young man entered upon a comprehensive course of legal reading, judiciously enlivened, now and then, by excursions into the brighter regions of *belles lettres*, and his favorite classics. These studies engaged his undivided attention for *three* years. At their close, he found that he was of age, and fully, nay, elaborately, qualified for admission to the bar. He did not, however, submit himself to the necessary examination just then. His plans were different from those of the majority of persons in his position.

Aiming at the loftiest standards of erudition, attainable by genius and energy, he determined to complete an education so auspiciously begun, by attending the great schools of learning on the continent of Europe. In the heyday of strength and youth, with a temperament passionately sensuous, it is yet to be remarked, that every gross or unworthy instinct, frequently aroused in those youths who contemplate the *grand tour*, seems in him to have been subdued by the purer ardor of his scholastic devotion. Then, as in maturer life Legaré viewed, with the bitterest contempt, that large class of travelled fops and *dilettanti*, to whose eyes a Celeste, or Ellsler, was a thousand times more fascinating than the graces of the Apollo, or the sublimities of the transfiguration; and who, scarcely recognizing the names of such men as Göethe, Savigny, or Schelling, were marvellously familiar with the grossnesses of Sue, or the last sentimental abomination of Paul de Kock. Not upon the Boulevards, the *fetes*, and the gay assemblies of Paris, but upon its mammoth libraries, its stores of art and science, the fancy of Legaré was fixed; and in thinking of Germany, his mind contemplated, not

the smoky orgies, or uproarious merriment of outdoor student life, but the exhaustless information and deep capacity of that greatest of the expounders of the Roman and civil law of whom our age can boast,³ and whose genius subsequently furnished him with a theme for endless, fervent panegyric.

Armed with the self-restraint which a noble and settled purpose never fails to give, Legaré, in the spring of 1818, sailed from Charleston in a merchant ship, bound for Bordeaux. Fortunately, his *first* letter from abroad, descriptive of his passage, and his future plans, has been preserved. It is specially to be noted, as furnishing, in parts, some vivid touches of self-portraiture :

“BORDEAUX, 24th June, 1818.

“*My Dear Mother :*

“Our passage across the Atlantic was as delightful as could be desired. With the exception of some slight squalls, and one thunder-storm, we had always fine weather. Indeed the whole voyage was more like a party of pleasure on some smooth lake, than a transit over the great ocean.

³ Savigny.

“We arrived within the Garonne on the thirty-fourth day—a very short passage, if a calm of one week be (as it might in reason) deducted.

“It is impossible for me to describe the *anguish* with which I tore myself from you on the day of our separation, and which was so keenly renewed when I left the wharf and the harbor of Charleston. To realize *such* sensations, a man must not only be placed in the same situation, but must have the same turn of mind, as myself. He must be *violent almost to madness in his passions*, and must at the same time experience *more than one!* He must forget how to *hope*, and while he aims at everything exalted, must look for nothing but disappointment and mortification. In short, I am persuaded that such situations as mine was, at that time, very rarely occur in the course of one’s life ; at least I wish to persuade myself so. It was a dreadful conflict of opposite feelings, that threw me into such a state of irresolution, as must, if indulged, prove fatal to every generous undertaking.

“Well, it was impossible for me to change my nature, and I am not ashamed of the tears I shed ; but I have reason to congratulate myself upon the

constancy with which I adhered to my resolution of departure. . . . A *glorious* prospect is set open before me, and I—thank God!—have spirits enough to think of availing myself of every advantage, and realizing every hope.

“On Monday or Tuesday, (the 29th or 30th June,) I set off upon my journey to Paris, where I will remain until the latter end of September. I intend to *perfect* myself there in the French language—that is, to acquire the greatest facility, and some degree of correctness, in the use of it, for such is the whole force of the term *to perfect*, when we speak of making, within any given time, a progress in a language. . . .

“As soon as settled in Paris, I will employ *three* teachers, who shall attend me at my lodgings every day ; an Italian, a scholar who is thoroughly versed in Latin, and who will assist me in French ; and perhaps, a *drawing-master*. For I have already had cause to regret that I had not the use of the pencil, as I passed along those enchanting scenes that adorn the banks of the Garonne. In this *last* idea, however, I am by no means fixed, as I shall certainly not think of taking up with any *new* pur-

suit, unless I see it is perfectly consistent with my old ones."

While in Paris, Legaré perfected himself *practically*, as he had designed, in French and Italian, and dropping, for a time, his favorite Greek, once more applied himself to the Latin, as the necessary vehicle of his proposed course of civil law. Meanwhile, even his relaxations and amusements were turned to the best mental account. Operas and theatres did not merely employ his eye; he penetrated beneath the outside show, the surfaces of things, to a true knowledge of national characteristics and national foibles. At the Legislative Chambers, listening to the debates of such representative statesmen and orators as Chateaubriand, and Manuel, he attained to a large knowledge of French politics and internal history, which proved of incalculable service to him long afterwards, when he entered the ranks of Diplomacy.

A picture of the minutiae of his Paris life has been furnished us by Legaré's friend and companion at the period, William C. Preston. The Louvre and other art-galleries, we learn, furnished him with continual imaginative delight. The *former*, though

stripped of its Italian and Flemish treasures, was still—excepting the collections of Florence and the Vatican—the noblest depository of artistic *chef d'œuvres* in Europe. Legaré revelled among its master-pieces. By the help chiefly of his vigorous native taste and keen faculties of comparison and analysis, he became no mean art-critic. The mere jargon of conventionalism he detested ; it met with no mercy at his hands. Next to the Louvre, the magnificent acting of Talma and Duchesnois, surprised and charmed him most. In regarding Talma, indeed, it would appear, (as he afterwards observed to an accomplished lady friend,) as if the more majestic of the ancient statues, upon which he had recently gazed, were suddenly endowed with life, for this wonderful actor had so studied the antique, that “his scenes and attitudes were often but so many classic pictures.”

Occasionally, Legaré would indulge in the more innocent amusements of the great capital. Though, on some points, a morbid and melancholy man, subject to moods of terrible and even dangerous depression, he *could* be as gay and frolicsome as a child. Possessing but little humor himself, he yet richly

enjoyed its exhibition in others, and his laugh, we have been told, was wonderfully cordial and contagious. It must have been a pleasant sight, as his friend Preston hints, to witness the uproarious merriment of the usually grave and self-contained student, at the farces of the *Variete*, and the burlesques of *Poitier*, and the *Vaudeville*! From his hearty enjoyment of such spectacles, he derived new strength for the serious labors of the closet.

In Paris, Legaré instituted careful inquiries as to the respective merits of the British and Continental law-schools, the answers to which determined him to abandon his first purpose of going to Göttingen, and to substitute Edinburgh in its place. Accordingly, about the close of September, 1818, he left Paris *en route* for his ancestral Scotland. The journey was interrupted by a brief stay in London. There, of course, he visited those numberless localities made famous by historical and literary reminiscences; but in some respects, the period of his visit was unfortunate. All the *elite* of the city were absent, the Parliament Houses were closed, and, indeed, as a true Cockney informed him, "London was no longer London!" So, when a week or two

had passed, he set out for the "border." His feelings, as he approached those "debatable lands," centuries ago the home of his stout forefathers, and the scene of many a desperate fight and foray, he was accustomed to describe to his friends, with a strange blending of satire and eloquence. "Had I been a poet," said he, "I would straightway have penned a ballad in honor of my illustrious progenitors, a furious, fiery ballad that would, as Sir Philip Sydney remarked of 'Chevy Chase,' have 'stirred all hearts like the sound of a trumpet!'" "I fear, however," he added with a comical twist of the eyebrows, "that those forefathers of mine, with all their gallantry, were incorrigible 'cattle-lifters,' and involved in much moral confusion upon the questions of *meum* and *tuum*!"

When Legaré reached Edinburgh,—then under the literary and legal rule of Scott, Jeffrey, Wilson, Leslie, Brown. Playfair, and Alison,—he entered without delay the classes of Civil Law, Natural Philosophy, Mathematics, and Chemistry. Upon the first of these—the Civil Law—then expounded by Professor Irving, he chiefly lavished his enthusiasm and his labors. Mr. Preston, by a happy coinci-

dence again his fellow-student, writes : “ He gave three hours a day to Playfair, Leslie, and Murray, (the Professors respectively of Natural Philosophy, Mathematics, and Chemistry,) in the lecture-rooms. From eight to ten were devoted to Heineccius, Cujacius, and Terrasson, side by side with whom lay upon his table, Dante, Tasso, Guicciardini, Davila, and Machiavelli.” These various, and one might think conflicting, studies, Legaré pursued and mastered with the tact and ease which belong to well-disciplined genius. His assiduity has been seldom paralleled, and only the iron texture of his constitution sustained him under the stress of efforts which would have sent a man of ordinary strength to a sick bed, or—the asylum.

Actually, on *one* occasion, he found himself at breakfast, Sunday morning, on the *same seat* where he had breakfasted the day before, not having quitted it, meantime, for more than a few minutes. Still, he mingled in society. He sought the acquaintanceship of congenial spirits, and succeeded in making some staunch friends. Professor Irving, it appears, was a person of but moderate talent and attainments, which, however, he made as service-

able as might be, by constant attention and earnest toil. In pursuance of an ancient scholastic custom, the class-room business was conducted in Latin. It happened, one morning, while Legaré was up for examination, that the Professor took exception to his rendering of a certain crabbed passage in the Institutes. Legaré, assured that he was right, maintained his opinion, at first moderately, but afterwards, upon the spur of what seemed to him a dogmatic and ignorant contradiction, with such warmth, and fire, illustrating his points by a body of precedents so overwhelming, and a display of learning so *recherche*, and profound, that teacher and class were alike amazed, the former exhibiting no little discomfiture, which he vainly attempted to conceal by putting a stop to the oral controversy, transferring, subsequently, his own arguments to writing.

In February, 1819, Legaré received a letter from his mother, which somewhat unsettled his plans, and shortened the period of his stay in Europe. It seems that the good lady's pecuniary affairs, notwithstanding her sagacious activity, had suffered during her son's absence, *apropos* to which Legaré observes, in answering her communication :

“I now regret that I have said so much to you about travelling in Italy. As that would be quite inconsistent with the present state of your affairs, it will only serve to excite unavailing regrets to mention it. Besides, in the actual state of my own mind, I would not wish to do it, and I have come to the determination, upon reading your letter, to return home next fall. Meantime, I propose to make a short tour in the Highlands, and then return immediately to London, where I shall spend a few days in order to see Parliament in session, Richmond Hill, and a few other things which I had not time to visit when I was there in October. Then I will take a packet for Ostend, so as to travel through Holland, and see some of its principal cities, on my way to Berlin, or some other German University. There I shall spend May, June, July, and August. I then take up my line of march back again to the Rhine, travel up that river as far Basil, make a little trip through Switzerland, and return by way of Paris to England. The last step will be to transport myself by packet to New York.”

At the conclusion of the winter's course in Edinburgh, Legaré immediately proceeded to carry out,

practically, the details of the plan as sketched above. In this he was happily successful, with the single exception of his contemplated residence in Germany. Certain political disturbances at the universities of that country, an *emeute* of the "young German" element, as it was called, forbade his adventuring upon such dangerous ground. But perhaps the months were more profitably spent, after all, in active travelling, in a study of men, manners, governments, and social phenomena, not through the medium of books, but, as it were, face to face.

From this period, we may date Legaré's determination to supplement the acquisitions of the study with a thorough knowledge of mankind and of the world. His temperament disposed him to be a literary recluse, but that good sense which was always a distinguishing quality of his genius, imperatively commanded him to mingle with his fellows, if, indeed, he would prepare himself for the intellectual conquests he had long meditated. Thus, no opportunities for practical, instructive intercourse, whether with high or low, prince or peasant, were neglected by him. He became as shrewd, ready, and observant, as capable of managing the every day affairs

of life, and before he had been deeply versed in all scholastic learning.

About the close of the year, (1819) Legaré set sail from a continental port for New York. Thence, he made his way overland to Carolina, stopping for some weeks at Washington, where, we are informed, his enthusiasm, his brilliant conversational talents, and display of varied, unusual attainments, won for him the admiring attention of the best society.

January, 1820, found Legaré once more at his home in Charleston. He had been absent for two years, employed in the sternest mental discipline, and now, it has been quaintly said, "he returned somewhat as Milo, the wrestler, might have done to the public games of Italy, from the *palaestra* of Greece, not an effeminate wanderer, unnerved by foreign delights, but an athlete, of skill almost as formidable as his strength was terrible." Public expectation was agog concerning him. His native powers, and scholastic acquirements, were alike referred to, as altogether exceptional and remarkable. But he did not pause among the social circles of the city, to gratify either his own vanity, or the curiosity of others. On the contrary, he applied himself at

once to the performance of a practical duty. Mrs. Legaré's affairs were seriously involved, and her son, with his usual ardor, set about retrieving them. He went to reside with her and his youngest sister, upon the patrimonial estate on John's Island, combining, with the daily labors and drudgery of plantation life, a renewed study of the Common Law. Fully prepared for legal practice, he was yet in no haste to engage in it, but went on carefully adding to his large stores of information.

Legaré's neighbors soon learned to give him credit for personal worth, no less than for variety and solidity of talents. His family *eclat*, too, had always been considerable; we are therefore not surprised to find that at the fall elections of this year, a seat in the Legislature, from his Parish, (composed of John's Island and Wadmalaw,) was offered to him. Knowing that his legislative toils would not be so onerous, or protracted, as to interfere with other important duties, he acceded to the wishes of his friends, and was accordingly returned to the Lower House of the General Assembly of South Carolina, for its *biennial term*, viz., from 1820 to 1822.

Legaré's first entrance upon the stage of public

life, was not distinguished by any special brilliancy of display. Indeed, so seriously and *exclusively* did he apply himself to the mere routine of legislative business, to the minutiae of committee work, and the practical mastery of all needful parliamentary rules and tactics, that a portion of the public, accustomed to the *per saltum* efforts in oratory and debate of the majority of young aspirants, were disappointed by the policy he chose to pursue, and evidently thought him an over-rated man. They could not understand *why* he desired to be "*useful*" before he strove to be *great!*" Nevertheless, at the end of his second session, one or two favorable opportunities occurring, Legaré very clearly proved the great powers he possessed, flashing out in debate with that peculiar eloquence, compounded of imagination and logic, in which, subsequently, he excelled.

In 1823, Legaré disposed of his mother's plantation on John's Island, and removed with his family to Charleston, where, formally admitted to the bar, he sought for practice as an Advocate. At this period, the Charleston Bar was perhaps the ablest in the entire South. It could boast among its chief members, of James L. Petigru, with his compre-

hensive knowledge of the subtlest forms of Common Law, his shrewd wit, his versatility, and adaptability of resources, his genial humor, and emphatic common sense, before which all metaphysical complexities and fine-spun, but illogical, distinctions, would melt away like frost from sunshine ; of Robert Y. Hayne, whose consummate tact, readiness, and experience, were equalled only by his powers of broad generalization, which gave to all his weighty arguments a high philosophic value, his knowledge of mankind, and an intuitive sympathy, that gave him as a special pleader—particularly before juries—an influence almost irresistible ; of Drayton, with his calm logic, his thoroughness of acquisition, and his penetrative wisdom ; of King, with his scholarly expansiveness of thought ; of Grimké, whose fervid temperament, and enthusiasm of declamation, were balanced by the soundest learning of the lawyer, and the most brilliant accomplishment of the *litterateur*. Such were the veterans among whom Legaré had now to appear. With a modest confidence he confronted the trained athletes of the legal arena. By them his force and skill were at once acknowledged ; and had business come to

him in anything like the proportion one might have expected from the early establishment of his fame, he would soon have been a man of wealth.

But Legaré had yet to learn the penalty which attaches to what is vulgarly considered, "an over education." The very brightness of his parts and the variety of his knowledge, seriously interfered with his practical advancement. His elder contemporaries of distinction had already fought their way up to position and opulence. Whatever impertinences in the way of superior talents, and preparation beyond the average, they had once exhibited, could no longer be brought against them in the face of a solid, unequivocal success, made the more manifest day by day. But the young Jurist was beginning his career. He had presumptuously, and after infinite trouble, clothed himself in a suit of mental armor, and procured a number of intellectual weapons, which, to the common professionalist, seemed useless. if not cumbersome. He must be made to smart for his arrogance. Moreover, according to the vulgar argument, so finished a scholar was sure to be a mere *theorist*. Everyday mortal concerns would suffer detriment, if entrusted to his

care. And so, it happened in Legaré's case, as it has happened in many others, that the very conscientiousness wherewith he had equipped himself for business, proved temporarily the means of driving business from him. A swarm, too, of little, envious minds, the human wasps and hornets that are accustomed to buzz angrily about the head of merit, longing for a chance to sting, did not, of course, overlook the young giant who shamed their own insignificance. It may be imagined, therefore, that the first years of Legaré's professional experience were neither pleasant nor encouraging. Petted, caressed, and admired, hitherto, wherever he had gone, he was now subject to a trial of the sternest and severest kind. The temptation to despise the provincial community about him, to conclude that even its ablest men had succeeded through the operation of some unworthy arts, must have been, for a season, powerful indeed.

But Légare resisted it. The moral stamina which lay beneath his mental brilliancy, enabled him to overcome every suggestion of egotism and weakness. He determined to wait ; to work in quiet, and to exercise a patient endurance. In due time

his reward came. With a "general reputation still vastly disproportioned to its legal rewards," he was, after some years' residence in Charleston, elected by a handsome and unsolicited vote, to represent that city in the State Legislature. Thus, in November, 1824, he again appeared in that body. At last, his path seemed to be comparatively clear of obstacles. Yonder, in the dim and lofty distance, shone his goal. Henceforth, his life was one steady, wise, indomitable march towards it.

The germs of the Nullification controversy had already shown themselves in the Legislature of 1824. Legaré now assumed his proper position in all debates of importance. When Judge William Smith introduced his famous resolutions, "Anti-Bank, Anti-Internal-Improvement, and Anti-Tariff," he firmly sustained them, in accordance with the views he then, and ever afterwards, held, of the nature of the General Government and Constitution of the United States, and the reserved privileges of the States. Yet, while unhesitatingly going to the full extent of the Judge's resolutions, he never for a moment contemplated those extreme measures, that final, and, as *he* deemed it, *desperate* remedy,

subsequently advocated by the three great Carolina statesmen, Calhoun, McDuffie, and Hayne. By constitution and conviction, Legaré was a Conservative. So, while opposing the tariff and all kindred measures, by every means which he considered legitimate, he recoiled, to use his own language, "from that urgent form of civil controversy which left nothing to the General Government but an alternative fatal to either its own or State authority—the alternative, or rather, dilemma, of *subjugating* or of *being subjugated*." When, therefore, a few years after, the issue was squarely and sharply made, Legaré resisted Nullification as a practical political remedy, considering it worse than the evils complained of, and sure to lead, in its ultimate operations, to irremediable misfortune.

It was while Legaré still held his seat in the Legislature, that an important movement of a politico-literary nature, took place in Charleston. We refer to the establishment there, of the *Southern Review*, as an organ of Anti-Consolidation, and a general exponent of Southern scholarship. From the beginning, this profound and brilliant quarterly owed a great part of its interest and value to the

exertions of Legaré. He became virtually its editor, gathering about him such a corps of *collaborateurs* as few periodicals, English or American, have ever been able to boast of. Among them, we may mention Dr. Cooper, like Parr, a walking encyclopædia, but without Parr's dogmatism and coarseness; Nott, an able antiquarian, and historical scholar; Henry, a thorough-paced Grecian, who, if somewhat heavy and diffuse, was always to be trusted for the justness of his views, and the solidity of his attainments; McDuffie, an eloquent and impassioned thinker, if not invariably a classic writer; Wallace, a mathematical Professor, and adept in general science; Petigru, whose deepest and dryest excursions into the realms of law, would be lightened by his inimitable wit; and Elliot, Hayne, Harper, Simons, and a number of lesser lights. The *Review* owed much, undoubtedly, to the talents and resources of these various writers, but it must be confessed, nevertheless, that it was *vitalized*—made a living representative of the most advanced culture of the age—by the genius and learning of Legaré. Of his essays included in this work, "Cicero de Republica," "Kent's Commentaries," "Roman Literature,"

“ Classical Learning,” “ Memoirs of D’Aguesseau,” “ Jeremy Bentham,” and “ The Public Economy of Athens,” are noteworthy among the weightier papers ; whilst “ Lord Byron’s Character and Writings,” “ Hall’s Travels in North America,” and “ Sir Philip Sydney’s Miscellanies,” show the author’s capabilities in a somewhat less exacting department of literature and thought.

Were we called upon, however, to select Legaré’s master-piece in the line of the Essay, we should pass over even his noble treatise on “ Demosthenes,” and point to that luminous, profound, and exhaustive article wherein he has made an exposition of “ The Origin, History, and Influence of Roman Legislation,” an article in which the whole theory and practice of the Civil Law, and the various authoritative Codes, in their bearing upon life, manners, and sociology, in ancient Rome, are treated with a depth of research, and a clearness of logical acumen, unequalled, to our mind, in the best essays, upon a kindred subject, by Brougham and Hallam. The reader who carefully peruses this paper, will find epitomized in it, all the great distinguishing characteristics of the author’s intellect and style, his

searching sagacity, his close analytical judgment his breadth of reasoning, which, like Coleridge's, may be called "orbicular," (combining the widest generalizations with the minutest details,) his unerring logic, and rich, grave imagination, embodied in periods ornate, rounded, elaborately artistic, which possess a certain *rhythmic* swell and cadence, whenever the thought becomes duly impassioned; the whole steeped and harmonized, so to speak, in the essential spirit of the rarest philosophic learning.

Legaré's labors on the *Review* proving, in the course of years, altogether too heavy, and threatening to interfere both with his growing practice and with his official duties, he abandoned its management; or, we should rather say, he discontinued his contributions; a circumstance followed, first, by the decline, and, soon after, by the utter extinction, of the periodical.

In 1830, Legaré was chosen Attorney-General of the State. This honor came to him unsought. That it was, indeed, the reward of acknowledged merit, and pre-eminent fitness only, may be seen in the fact that those who elected him were chiefly members of an inflamed political party whose measures

he steadily combatted. But the splendid genius of the man, his uprightness, candor, and amenity of bearing, conciliated the good will of his bitterest party opponents. The confidence of the Legislature was justified. In the high office conferred upon him, he rose rapidly to distinction, which was soon destined to pass beyond the limits of the State. Summoned, professionally, to argue an important case at the Bar of the Supreme Court in Washington, his success was so extraordinary and peculiar, that it procured for him the notice and attentions of the then Secretary of State, Mr. Livingstone. A formal acquaintance soon ripened into friendship. The Secretary had discovered that Legaré, like himself, was enamored of the far-reaching wisdom of the Civil Law, and this point of sympathy between them led to much discussion, which resulted in stimulating Legaré to the formation of an exceedingly comprehensive purpose, viz., the gradual "infusion of a large portion of the spirit and philosophy of the Civil Law, and even of its forms and process, into the more common system of Jurisprudence."

It was urged by Mr. Livingstone, that the pecu-

liar condition of our country, in which so much is new, and such essential modifications of pre-existing systems are necessary, seemed to be adapted to the introduction of an *eclectic system* of municipal law. Our political institutions, our republican habits, even our physical condition, have forced upon us great changes in the system of common law, and appear to open the way for further alterations with less difficulty and danger than would attend such an attempt in England.

This conception (if we may venture upon a euphuism) of making himself the high priest of a marriage between the civil and the common law—of so fusing whatever was harmonious in the constitutions of each, as to produce a system incalculably nobler and wiser than the present—became henceforth, with Legaré, a sublime intellectual ambition, which he did not despair of practically realizing. In order that every means towards the accomplishment of such an end should be afforded him, by placing within his reach *all* the appliances of legal science, he was offered by Mr. Livingstone the position of *Charge d' Affaires* at the Court of Brussels. By this time, the elements of discord in Carolina seemed

darkly and swiftly gathering their forces for some fearful convulsion. He could not conscientiously support the policy of Nullification; nor, on the other hand, being one of a hopeless minority as regarded *that* question, could he expect to organize any effectual opposition; therefore, he wisely accepted the diplomatic mission so handsomely tendered him, and repaired, without delay, to the scene of his new duties.

And now, twelve years after his first visit to Europe at the comparatively ripe age of thirty-five, Legaré found himself in a most congenial society and position. He was placed, with abundant leisure, in "the midst of a country where learning has always flourished, and where great and ancient libraries have accumulated; Paris, within easy reach; Göttingen at hand; Berlin not far off; and the learned bodies of Northern Germany ready to lend him their immense stores."

No wonder that he now threw himself into study with a sort of frenzy of enthusiasm. Under *Savigny*, he passed through a fresh course of Ancient Jurisprudence, and Roman and Civil Law; whilst, as a recreation after these severe studies, he devoted con-

siderable attention to the German language, of which he acquired an unusual knowledge, and the German literature, which few men were better fitted to appreciate. He is also said to have become a proficient in Low Dutch, and in Romaic.

As for his public functions, they were by no means onerous. He *voluntarily* addressed to his Government what Mr. Preston has justly characterized as a *masterly* series of regular reports, embracing a continual survey of all the main movements of European policy. Urbane and courteous in every official relation, he was truly a model Minister, uniting, in extraordinary conjunction, the best qualifications of the diplomatist and the scholar. By Leopold of Belgium, his Queen, and the whole Court, Legaré was warmly esteemed. Indeed, the King, in especial, seems to have formed for him a genuine personal friendship. His unstudied "Diary" faithfully kept, during these years, is a most interesting record of his deeds and thoughts, of his adventures *in* society and *out* of it, of the course of his studies, of his private sentiments, habits, and feelings ; in fine, we have herein, clearly and truly presented, the man as he was by nature, un-

trammelled by the buckram of etiquette, or the necessary restraints of conventionalism. His careless self-portraiture is not without its darker shades. We cannot but perceive that Legaré was often morbid, melancholy, and unhappy. Constitutional causes, some occult results of a defective organism, displayed their baneful influences in darkening his moods, and tinging, at certain seasons, his views of life in general, and of his own existence and prospects in particular, with a despondent, if not hopeless, gloom. Doubtless, an exaggerated sense of his physical defects had much to do in producing these sad, unwholesome humors. Passionately affectionate in soul and temperament, he persisted, when the "dark hour" was on him, in considering himself exceptionally unfortunate—a being forever debarred by the cruelty of fate from the tenderest ties of domestic love, the more intimate sanctities of heart and home.

Not long previous to his departure from Belgium, he was informed of an attempt to revive the extinct *Southern Review*, on the part of a State Society, the members of which earnestly desired him to assume the editorship. But he refused, thinking the attempt

chimerical. Moreover, he was now self-devoted to other labors.

In the autumn of 1836, after an extensive tour through Northern Germany, he bade a final farewell to Europe. He does not appear to have returned to his country in a cheerful spirit, if we may judge from the tone of a letter, addressed to his friend, Mr. Huger, not many months previous to his departure.

“With regard to your inquiries about my poor self, do you think, dear Huger, that one whose illusions have all, one after another, been dispelled, can have the heart to think of himself? ‘Satisfy my ambition!’ Why, I never had any *ambition*, properly so-called; it was perhaps my bane to have none. The aspiring after *excellence*, which people mistook for what it is so different from, was for its *own sake*, and, I will add, with the hope of being useful to a country of which I was proud and felt honored to serve. My *immense labor* for the *Southern Review*—which they saddled me with as if it had been an hereditary estate—do you think I went through so many nights (*summer* nights, too,) of watching and toil because I hoped to be spoken of with some

terms of compliment in our own newspapers, or even by foreigners? If so, why don't I write *now* when pressed to do so? No! no! I thought I could help to show that people did not know what our *Race* was. I felt in speaking its language, I should be thought eloquent—and I have not been mistaken. But I wrote especially as a *Carolinian*; and now I fear "Othello's occupation's gone!" At all events, I shall return in the fall, certainly with a heavy heart, *and almost despairing of all I ever wished to see realized*, but with a determination to do what I can to make myself useful—if it be possible!" This gallant resolve, to make himself useful, Legaré had the opportunity of executing almost immediately upon his arrival home. He was put in nomination, and readily elected a representative in Congress from Charleston, for the term commencing with the first year of Mr. Van Buren's administration.

The brief interval before he was called upon to attend to his new duties at Washington, was passed by Legaré in the society of his family and friends. Everybody perceived that four additional years abroad matured his character, his knowledge, and

his genius. There was hardly any position in law, or politics, which it was not generally confessed that he might now justly aspire to, and perhaps at some future period attain.

In the month of September he took his seat in Congress. It was an *extra* session, convened to discuss and provide for a terrible financial crisis. Legaré took a prominent part in the debates. His principal speech, on "The Spirit of the Subtreasury," was a vigorous effort. It astonished the House, and dazzled the country. Far better than this—its deep, philosophical, statesmanlike views arrested the attention of thoughtful capitalists, and men in power. Legaré had at once made his mark. The shrewdest of financiers acknowledged they could learn something from him. On sundry other questions in this Congress, Legaré spoke, and, of course, always with distinguished ability. An *extempore* address of his, on the "Admission of Hayti," is remarkable, not merely as showing his alertness of resource and argument, but the prescient wisdom which foresaw, from the beginning, all the dreadful consequences of abolition agitation. He spoke like a prophet to whom the future had become as the

present. It is disgusting to know that, despite his well-earned fame, Legaré, by the trickeries of party coalition, was thrown out at the next election, and in the very morning of what promised to be an unparalleled legislative career, was constrained to retire from political life.⁴

Apparently in no wise discouraged, he now devoted every energy to his profession. Cases poured in upon him. Among these was one known in the books as the case of "Pell and Wife *vs.* the Executors of Ball." The circumstances were peculiar. A Miss Channing, daughter of a Boston merchant, Walter Channing, "had married a Mr. Ball of South Carolina, and brought him a large fortune *without any settlement*. By his will, Mr. Ball bequeathed to his wife all of this fortune. Embarking at Charleston for a visit North, on board the ill-fated steamer, *Pulaski*, which blew up at sea, they both perished

⁴ "At a public dinner," says Mr. Alfred Huger, Legaré's contemporary and friend, "when Legaré had just been *defeated* in his second election for Congress, his eloquence was truly majestic, though he never uttered a syllable of himself! Many present might properly have remembered the condemnation of Socrates, and the subsequent repentance of the Athenians; and some muttered to themselves that the assaults upon Coriolanus were impolitic and unwise!"

in that catastrophe. The question in the cause was, which survived the other? If Mrs. Ball, then the legacy vested in her, and was transmissible to her sisters; if her husband, then the legacy had lapsed, and fell into the residue of the estate, and went to his family."

Legaré represented the interest of Mrs. Ball's *sisters*. His opponents stoutly maintained that, according to every law of *probability*, the husband, being the stronger person, was, *therefore*, the survivor; an argument which Legaré combatted by declaring, that *positive testimony* must always override *presumptions*. After the accident, Mrs. Ball had been remarked flying about the boat, and her voice was distinctly heard calling on her husband. Here was a single striking dramatic fact, and Legaré seizing upon it, conjured up the whole awful scene with a force and vividness, which, an eye-witness tells us, thrilled the court and audience as he never had seen men thrilled before. Moreover, the incident of the frantic woman calling upon her natural protector, was converted into an *argument*, (sent home to the minds of the jury by the power of irresistible pathos,) that the husband thus fruitlessly

summoned, was already dead.⁵ "Upon the narrow theatre," said the speaker, "of that shattered deck, was enacted a scene to paint which, all that imagination or poetry could invent, of the most pathetic, must fail. She called upon her husband, upon whom she had never before called in vain—upon whose arm she had ever leaned in danger—her stay, her refuge! She called, but he never answered; no, sir, he was *dead!* DEAD! DEAD!" These three last words are said to have been uttered in tones so deep, mournful, and solemn, so assured of the truth they asserted, that conviction was carried instantaneously to the minds of the hearers. Legaré's clients gained their suit.

Several other cases of great importance were argued by him about this time, especially the well-remembered case of *Cruger vs. Daniel*, in which his

⁵ "His efforts as a public speaker," remarks Mr. Huger in the communication just quoted from, "were like the flight of an eagle, or the murmuring of a dove.

"I have seen him (to change the figure) when he acted the cataract without knowing it, and again, when the 'deep still water' ran over at his eyes, as though his nature dealt only in the softest emotions of a woman. In the case of *Pell vs. Ball*, his eloquence ceased to be touching only to become sublime!"

skill and learning, as regarded the intricate clues of the law of real estate, were conspicuously proved.

And now, the great political canvass of 1840 was at hand. With an ardor he had seldom, if ever, exhibited on any former political occasion, Legaré threw himself into the controversy. In the theatre at Richmond he delivered a popular harangue, which unprejudiced Judges, comparing with a speech delivered about the same period, and at the same place, by Webster, declared it to be by far the ablest of the two. In Baltimore and New York, also, he addressed large and enthusiastic crowds. His speech in the latter city was mentioned by the democratic press as an effort of singular vigor and eloquence. Superlatives were exhausted in describing it.

President Harrison died only a month after he had taken the oath of office; and, a few months later, the Cabinet he had gathered about him resigned. This led to the selection of Legaré as Attorney-General of the United States. "It was precisely the position," says Preston, "for which he was most ambitious." He was thoroughly qualified for all its duties, and consequently his success was

perfect. Bench and Bar awarded him the palm of exalted merit. In September, 1841, he took office. In the ensuing January the Supreme Court met. Besides two or three *private* causes of moment, Legaré argued, during this term, no less than *eight cases* on behalf of the United States, most of which he gained.

In 1842, the famous case of *Jewell vs. Jewell*, came up for decision. It turned upon the question, What was the law of marriage in the United States. So vital were the issues involved, that Legaré elaborated his points with scrupulous care, even taking the trouble to send as far as Vienna for *Eichhorn's Kirchenrechts*. In profundity of legal research, in elevation of sentiment and social views, many, familiar with his professional course, deemed this argument his *chef d'œuvre*. Unfortunately, it was not reported.

All who have studied our history, must remember how unpopular was the administration of Mr. Tyler. It seemed to have the Upas power of blighting every reputation which approached its shadow. Legaré *alone* lost nothing by his association with it. On the contrary, his fame steadily increased.

The President, in the midst of his distracting cares, learned to rely upon his Attorney-General for counsel and assistance. These were always frankly given ; and thus, a friendship was gradually established between them. Upon the withdrawal of Webster from the Cabinet, the duties of the State Department were confided to Legaré *ad interim*. He showed his diplomatic skill by conducting to a successful conclusion the Ashburton Treaty, or, at least, that portion of it relating to the long vexed and dangerous question of the right of search. But the labors of this department, added to his own professional cares, were, indeed, toils of Hercules. The effect was to undermine insidiously his physical strength.

While staggering under this load of work, he had the misfortune to lose, in quick succession, his favorite sister and his mother. The latter calamity almost broke his heart. As if to distract his attention from domestic griefs, he now plunged with three-fold assiduity into public business. But the end was nearer than he dreamed. A few steps more along the upward path of honor, and he must meet,

“That SHADOW cloaked from head to foot,
Who bears the keys of all the Creeds.”

It sometimes happens, that in men of iron nerves, of the most vigorous physique, and athletic muscular development, there lie *perdue* the seeds of organic weakness or disease, which, stimulated by circumstances into action, result in sudden, unexpected dissolution. Thus it was with Legaré. Notwithstanding his prodigious powers of endurance, there was *something* wrong—some deranged, feeble, or diseased spring in his constitutional mechanism, which might at any moment give way, and consign the whole fine structure to dust and ruin. Dimly, at times, he suspected this himself.

On the 16th of June, 1843, Legaré visited Boston in company with the President to participate in the Bunker Hill Celebration. On the very day of his arrival, he was prostrated by an attack of what the doctors termed "visceral derangement." The 17th still found him ill, and in bed. Of course, the best medical aid was summoned. But no science could save him. He rapidly grew worse, suffering tortures with heroic fortitude. Meanwhile, he had been removed from a hotel to the residence of his old friend, Professor George Ticknor, of Harvard University. There he received the most devoted atten-

tions. All in vain, for his hour had struck. On the 19th, his case was pronounced a hopeless one, and at five o'clock on the morning of the 20th, this illustrious Statesman, accomplished Scholar, and true Gentleman, breathed his last. He had met the end with a noble resignation. In the final moments, his thoughts wandered to his home in Carolina. The last whispered word that was audible, referred to an only surviving sister living there. The agonies of his disease ceased some hours before dissolution. He died in Mr. Ticknor's arms, so calmly, that those around him could hardly realize that his great soul had fled.

When the news of his death was spread abroad, it is no exaggeration to say, that the event was looked on as a *National* misfortune. Few, however, even then, possessed the means, or capacity, rightly to estimate his talents. A combination of intellectual faculties at once brilliant and profound, cultivated, strengthened, and made practically efficient, by a course of systematic discipline within the reach of few, placed Legaré alone among his contemporaries. More and more, as we have studied his writings and speeches, and marked the steady unfolding

of his powers, has the conviction possessed us that his was a genius of the first order. With the wings and vision of the Poet, he was endowed with the logical penetration of the Philosopher. Reason and imagination, in perfect fusion, worked together in all his great mental displays towards a recognized and certain end. The lowest details, and the loftiest generalizations, were alike within his grasp. His mind resembled, as Macauley has said of Elizabeth's illustrious Chancellor, that tent which the Fairy Paribanou gave to Prince Ahmed : "*Fold* it, and it was a toy fit for the hand of a lady ; *spread* it, and armies of powerful Sultans might repose beneath its shade."

More than a quarter of a century has elapsed since Legaré was gathered to his fathers. During that long period, but a single edition of his works has been presented to the public. This, consisting of *two* cumbrous volumes must be characterized as simply *execrable* ! execrable in general arrangement ; execrable in print and binding ; execrable in the style of annotation ; and, worst of all, most imperfect. Its sole merit (apart from the fact that, however imperfect, it *is* the only edition, and so far

beyond price,) consists in the voluminous and appreciative Biography, to which we are mainly indebted for the materials of our sketch. Yet, we never take the disjointed volumes in hand, without involuntarily regarding them as a species of sepulchre in which the bright genius of Legaré lies buried! Are his precious remains, the fruits of *such* labor and talent, never to be shrined becomingly?

The attempt, we know, *has been* made, to interest the Southern public in a new and complete edition of Legaré's works, but it miserably failed. The South, it seems, has been but too apt to turn coldly from the graves of those who, by exceptional endowments, extorted her admiration in life. This has been the suicidal policy of her opulent and prosperous Past; is it likely that, down-trodden and ruined, she will manifest a more liberal spirit in the Future? Yet, the very *extremity* of her condition, political and social, should lead her to reflect, that *now* there is but *one* heritage of which fraud, violence, and rapine, cannot deprive her—the heritage of her illustrious *dead*. Ought she not, then, with a sacred and reverential gratitude, to cherish their memories, exalt their fame, and preserve what-

ever of grand and beautiful in thought has been left to her in solemn trust? so that if indeed, as Legaré mournfully predicted, there is nothing before her but accumulated decay, and a lower downfall, she may still point to the products of her children's labor and genius, so embodied and brought within the reach of universal recognition, that all may read, and the bitterest of her foes be constrained to acknowledge of her Past, that "there were giants in those days."

We close with Mr. Huger's testimony in reference to the fascination of Legaré's manners in private life, his conversational powers, etc., etc :

"In private life, I was very much with him—oft-times to meet the demands of society—frequently to indulge our individual friendship ; and when absent, our correspondence was large, including always, the most important points of the times in which he lived ; *that* correspondence, like other matters, which might be interesting now, has met the fortune of war and been destroyed.

"There was another atmosphere in which Legaré was truly brilliant. In conversation, he surpassed himself, holding way with the strongest of his day

and generation. No intellectual entertainment was properly organized without him ; and however sumptuous the repast, when the viands were removed, there was sure to be a feast far richer than the first. Petigru, William Washington, and himself, made the *dramatis personæ* ; or, if he met Preston, it was "all light," with more "flashes," but never less profound. It was common for me to meet him at the table of my kinsman, (who adopted me as a younger brother,) Judge Huger, when the company consisted of such men as the host, Judge King, Mr Poinsett, William Washington, James R. Pringle, Colonel Drayton, always Mr. Petigru. They were all excellent talkers ; (particularly Washington ;) and in their sentiments of honor, and in their manners of elegance, had succeeded the men of the Revolution. Legaré was younger in years than any of us, but certainly not so in learning, or in knowledge, or observation. I often told him, that by far the best part of my own education was derived from these meetings, and from my midnight *tete-a-tete* interviews with Petigru and himself ; they had carried on wholesale operations in books and in study. I always benefitted by the "retail business" which

they occasionally dealt in. Legaré was *not* always cheerful ; very susceptible of what he considered rude or discourteous ; sensitive about his personal appearance and want of stature—like Byron about his foot—which no one but himself ever noticed or thought of ; for no one could look at the beaming of his countenance, without seeing the force of intellect and power ; and no one could listen to him without being conscious of the presence of both. He delighted in his intercourse with women of the highest order of refinement, acquirement, and of mind, always giving of each more than he received, but always gentle, affectionate, and kind.”

NOTE.—The remains of H. S. Legaré rest in Magnolia Cemetery.

. . . A noble monument has been erected on the spot, the inscription reading as follows :

“ HUGH S. LEGARÉ ;

“ ATTORNEY-GENERAL AND ACTING SECRETARY OF THE UNITED STATES.

“ BORN AT CHARLESTON, JANUARY 2ND, 1797.

“ DIED AT BOSTON, JUNE 20TH, 1843.

“ REMOVED FROM MOUNT AUBURN CEMETERY, SEPT. 30TH, 1857.

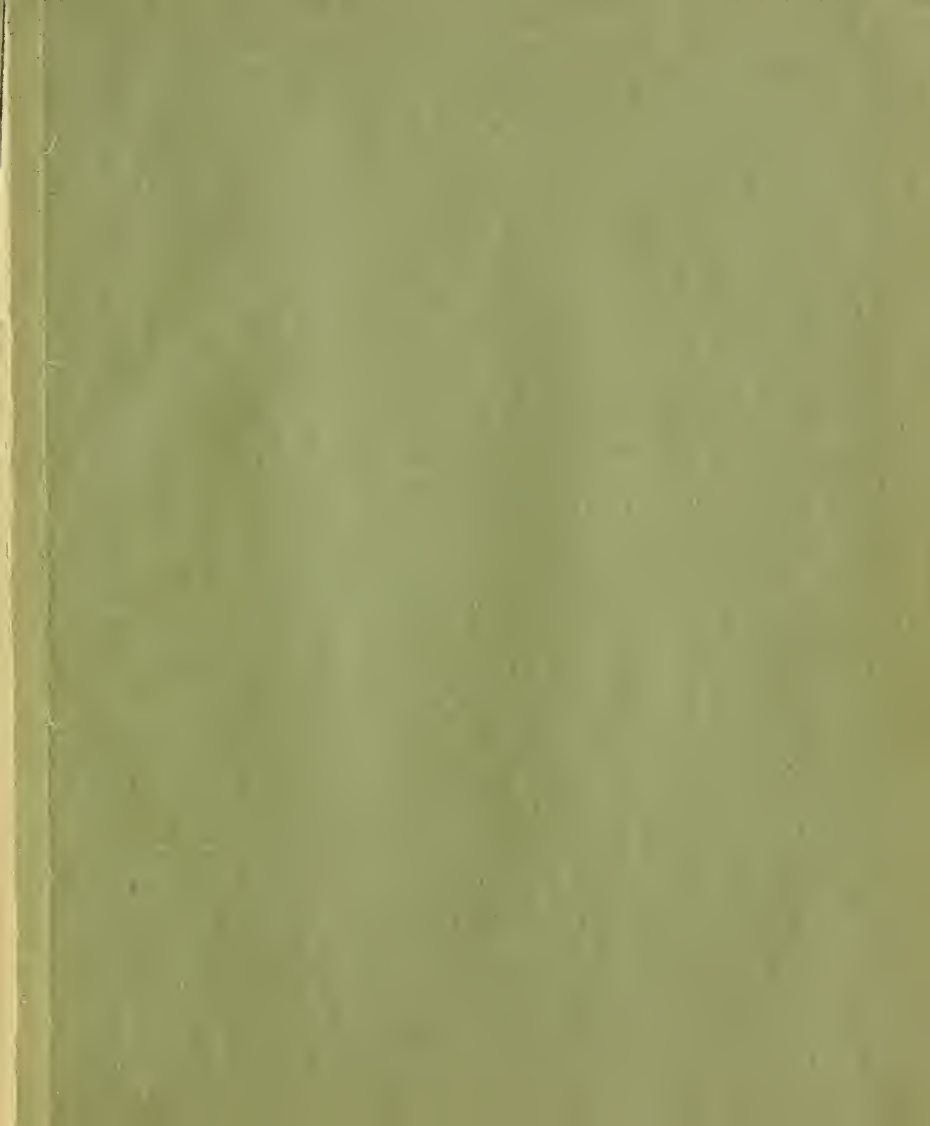
“ DEPOSITED AT MAGNOLIA CEMETERY, OCT. 8TH, 1857.

“ SOUTH CAROLINA CLAIMS THE REMAINS OF HER CHERISHED AND
LAMENTED SON.

“ ERECTED TO HIS MEMORY BY HIS SURVIVING SISTER, AND BY NUMEROUS
ADMIRERS AND FRIENDS.”

Handwritten signature and initials







MAR 14 1932

